



Planning Board

Seekonk Town Hall
Planning Board Meeting Room
100 Peck Street, Seekonk, MA 02771
1-508-336-2961

AGENDA

September 14, 2021

7:00 p.m.

**Selectmen Meeting Room
Seekonk Town Hall
100 Peck Street
Seekonk, MA**

Type of Meeting: Regular Meeting, and Work Session

*More information on each item can be found on our website—www.seekonk-ma.gov under
Departments>Planning>Agenda items*

Regular Meeting:

1. ANR application of **Matthew Habershaw** to create a non-buildable parcel for the property located at **0 Pond Street** being AP 32, Lot 2 in an Industry Zoning District.

Work Session:

2. Introduction of Candidates for vacant Planning Board seat
3. Preliminary discussion of modifications to Subdivision Rules & Regulations
4. Preliminary discussion of Zoning Amendments for 2021 Fall Town Meeting
5. Correspondence:
6. Approval of Minutes: August 10, 2021 and August 24, 2021.

Adjournment

The Board shall not take any new agenda items after 10:00 PM absent a vote to do so by the majority of the Planning Board then sitting.



Planning Board
100 PECK STREET
SEEKONK, MASSACHUSETTS 02771
1-508-336-2961

To: The Planning Board
From: John J. Aubin III, Town Planner
Date: September 14, 2021
Application Filed: August 27, 2020

APPROVAL NOT REQUIRED REVIEW (ANR)
Mathew Habershaw – 0 Pond Street being Plat 32, Lot 2,

Existing and Proposed Conditions:

The subject lot AP 32, lot 2 is comprised of 58.33 acres of area with approximately 271 ft. of frontage on Pond Street. The lot is currently developed with the City of Attleboro Wastewater Treatment Facility however the portion of Lot 2 that is the subject of the instant ANR is undeveloped. The subject lots are located in the Industry Zoning District which per **Section 5.1.4 Dimensional Table** of the **Seekonk Zoning By-laws** which requires a minimum area of 20,000 square feet and 50' of frontage per lot. The proposed ANR plan would create 1 non-buildable lot. The plan would facilitate the transfer of Parcel "A" (2000 sf) from the ownership of the City of Attleboro to the ownership of the applicant who owns the abutting AP 32, lot 65.

Proposed lots and plan references:

The submitted plan reconfigures the existing lot of record (AP 32, lot 2) and creates one non buildable lot as follows:

- AP 32, lot 2 having 57.87 acres of area and 251 feet of frontage on Pond Street; and
- Parcel A, having 2,000 sf of area with 20 feet of frontage on Pond Street.

Analysis:

The submitted APPROVAL NOT REQUIRED PLAN OF LAND titled "Land Surveyed for R.M.S. Properties Pond Street Seekonk, Massachusetts" prepared for Matthew Habershaw and dated August 25, 2021, prepared by E. Otis Dyer R.P.L.S., meets the exemption clause within the definition of a subdivision in the Rules and Regulations Governing the Subdivision of Land for changing the size of lots in such a manner so as to not leave any lot intended for development affected without the proper frontage. As the proposed Parcel A is not for development it does not meet the definition of a lot under the Subdivision Control Law and therefore meets the exemption.

Habershaw ANR 0 Pond Street AP 32, lot 2 Area view

**Property Information**

Property ID 265/032.0-0000-0002.0
Location 0 POND ST
Owner CITY OF ATTLEBORO

**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

Town of Seekonk, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 5/14/2021
Data updated 5/14/2021

Print map scale is approximate.
Critical layout or measurement
activities should not be done using
this resource.

Habershaw ANR 0 Pond Street AP 32, lot 2 Assessor's Map detail



Property Information

Property ID 265/032.0-0000-0002.0
 Location 0 POND ST
 Owner CITY OF ATTLEBORO



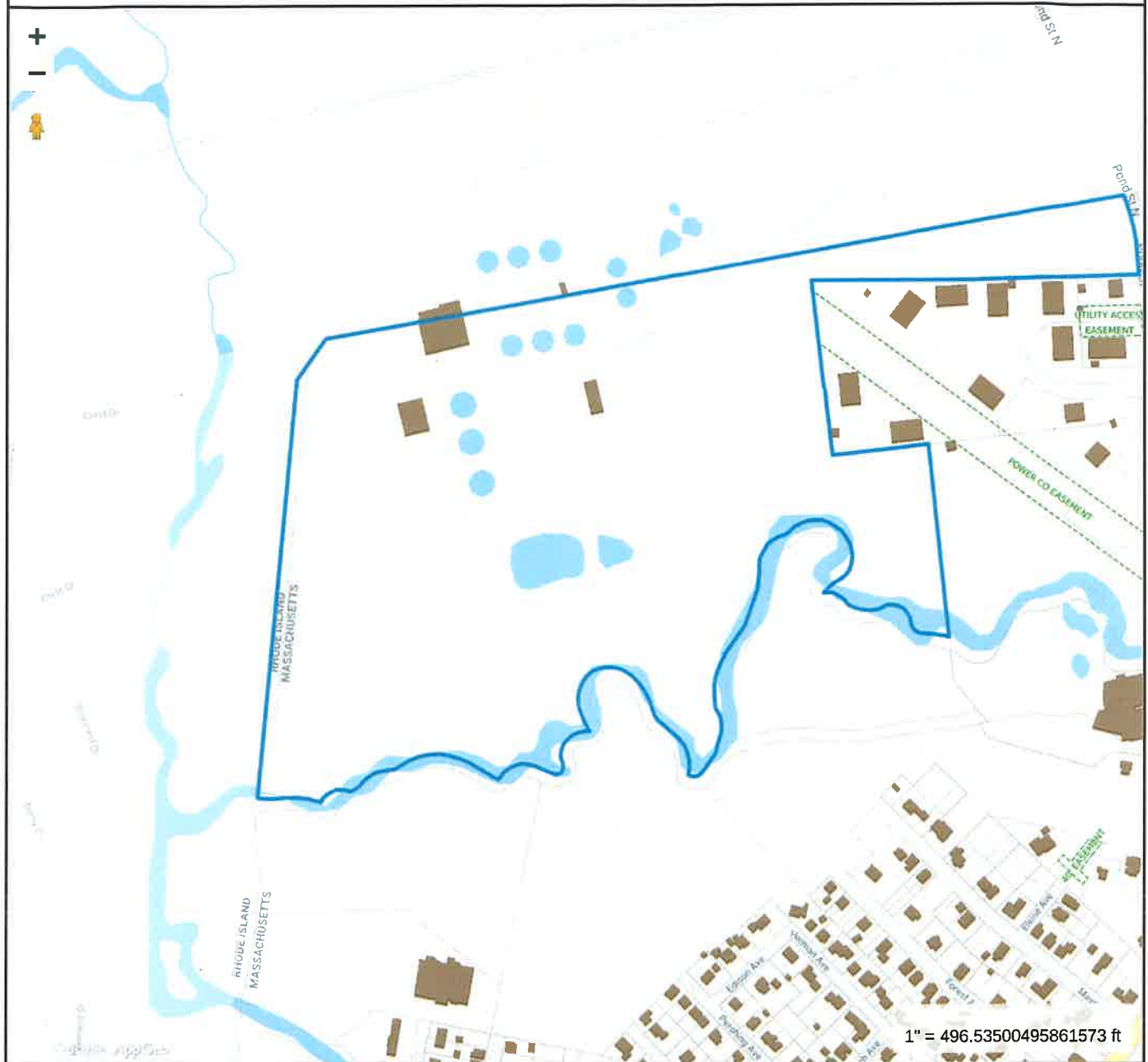
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Habershaw ANR 0 Pond Street AP 32, lot 2 Assessor's Map



Property Information

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Habershaw ANR 0 Pond Street AP 32, lot 2 Existing Conditions



Property Information

Property ID 265/032.0-0000-0002.0
Location 0 POND ST
Owner CITY OF ATTLEBORO



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TOWN OF SEEKONK

PLANNING BOARD

100 PECK STREET, SEEKONK, MA 02771
1-508-336-2961

FORM **A**

APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL

Date: 8/23/21

Applicant Name Matthew Habershaw Phone No. 508-962-7962

Applicant Address 120 Pond St Seekonk Ma 02771

Address of Subject Property 0 Pond St

Subject Property Plat No. 32 Subject Property Lot No. 2 Present Zoning Industry

1. Deed of property recorded in Bristol County Registry, Book No. 699 Page No. 597

2. Name of Engineer or Surveyor E. Otis Dyer Mass Lic. No. 9095

Address PO Box 5, 368 Fairview Ave Rehoboth Ma 02769

Brief Description of lot lines being changed and why:

The purpose of this plan is to create a non-buildable parcel to
be conveyed to Matt Habershaw, RMS Land Corp. at 120 pond St

Checklist Form A:



Application Form (2 x)

Please note: both copies must be originals, 1 copy for Planning, 1 copy for Town Clerk



Application fee, Ck#

Please note: \$100 per lot, \$200 minimum, (made payable to the Town of Seekonk)



Certificate of Good Standing, completed and signed by Tax Collector



Plans received in CD or DVD format (both .pdf & .dwg format electronic files required)



Plans received (1) Mylar, (4) prints, (1) 11" X 17", (see sec. 3.3.4 of Rules & Regs.)

To the Planning Board:

The undersigned, believing that the accompanying plan of his property in the Town of Seekonk does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits said plan for a determination and endorsement that Planning Board approval under the Subdivision Control Law is not required.

Received by Planning Board or Town Clerk:

Date

AUG 27 '21 AM 10:39

Time

Lori Trontisiaux
*Signature

Applicant:

x [Signature]
*Signature of Applicant

Matthew Habershaw

Print Name

120 Pond St

Address of Applicant

Seekonk Ma 02771

Owner:

x [Signature]
*Signature of Owner or Notarized letter (if applicable)

Mayor Paul Heroux

Print Name

Address of Owner 77 Park St

Attleboro Ma 02703

*Please use blue pen to sign

Enlargement - easier to read!

c starting at 000699-0597 (1 pages)

ADD TH

Cristol, ss. Taunton, Jan. 8, 1917. Then personally appeared the above named Alfred Deane, who and acknowledged the foregoing instrument to be his free act and deed.

Before me, Arthur R. Knox, Justice of the Peace.
Attest, Jan. 10, 1917, at 4 P.M. P.M., r. Recorded by Emma S. Williams, Register.

Subscribed,
I know all Allen by these Parents
that the Proctor C. Hull of Taunton in the State of Rhode Island and Edward C. Hull, wife of said Proctor C. Hull in consideration of Seventy five Dollars paid by the Inhabitants of the Town of Attleborough, a municipal corporation in the County of Bristol and Commonwealth of Massachusetts the receipt whereof is hereby acknowledged, do hereby give, grant, bargain, sell and convey unto the said Inhabitants of the Town of Attleborough a certain tract of land situate in the Town of Seekonk in said Commonwealth and bounded as follows, beginning at a point in the centre of the Ten Mile River at a corner of the land conveyed to the town by Charles E. Allen; thence running by the line of said Allen land northerly to a stone bound on the northerly bank of said river; thence by the line of the land conveyed to the town of Attleborough by Henry C. Read and others by deed dated Nov. 1st, 1909 westerly till it comes to other land of said Read and others; thence by the line of said other land of Read and others to the centre of said river; thence up stream by the centre of the river to the point of beginning. (By the words "centre of the river" above used, is meant the center of the river at the same now runs; it being the intention of the grantor and grantee that said line shall be deemed a fixed line not subject to future change due to a natural or artificial

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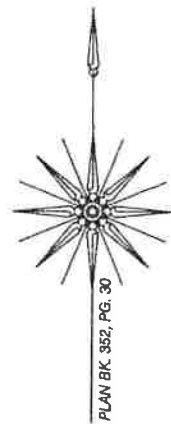
change in the location of the channels of said river.) I have And I hold the granted premises, with all the privileges and appurtenances thereto belonging to the said Sarah Childs of the Town of Attleborough and its successors and assigns, to have and to hold forever. And I hereby for myself and my heirs, executors and administrators, covenant with the grantee and its assigns that I am lawfully seized in fee simple of the granted premises, that they are free from all incumbrances, that I have good right to sell and convey the same as aforesaid; and that I will and my heirs, executors and administrators shall stand and defend the same to the grantee and its assigns forever against the lawful claims and demands of all persons. And for the consideration aforesaid, the Proctor C. Sull and Sarah S. Sull hereby release unto the grantee and its successors and assigns all right by the equity and conveyance and the granted premises, and all other rights and interests therein. In Witness Whereof we, said Proctor C. Sull and Sarah S. Sull, hereunto set our hands and seals this 7th day of June in the year one thousand nine hundred and sixteen.

Signed and stated in presence of
 of Vernon C. Minors is both.
 Proctor C. Sull, a
 Sarah S. Sull. ©

State of Rhode Island, "Commonwealth of Massachusetts."
 Providence County ss. June 7th, 1916. I then personally appeared the above-named Proctor C. Sull and Sarah S. Sull and acknowledged the foregoing instrument to be their free act and deed, before me.

Frederick S. Minors, Notary Public.

Rec'd. Jan. 14, 1917 at 9h. A.M. & Recorded by Emma D. Williams. Register



LOT 1
57.87 AC.±
(BASED ON RECORDS
NOT SURVEYED)

PARCEL A
20000 S.F.±
(NONBUILDABLE)

LOT 65
29922 S.F.±
R.M.S. LAND CORP.

NF ORION REALTY CO., INC.

NF ORION REALTY CO., INC.

APPROXIMATE
EASEMENT
MOUNTAIN
ELECTRIC
CO. CO.

POND STREET
(PUBLIC 40' WIDE)

EXISTING
GARAGE
#120



I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN
CONFORMITY WITH THE RULES AND REGULATIONS OF
THE REGISTERS OF DEEDS OF THE COMMONWEALTH
OF MASSACHUSETTS.

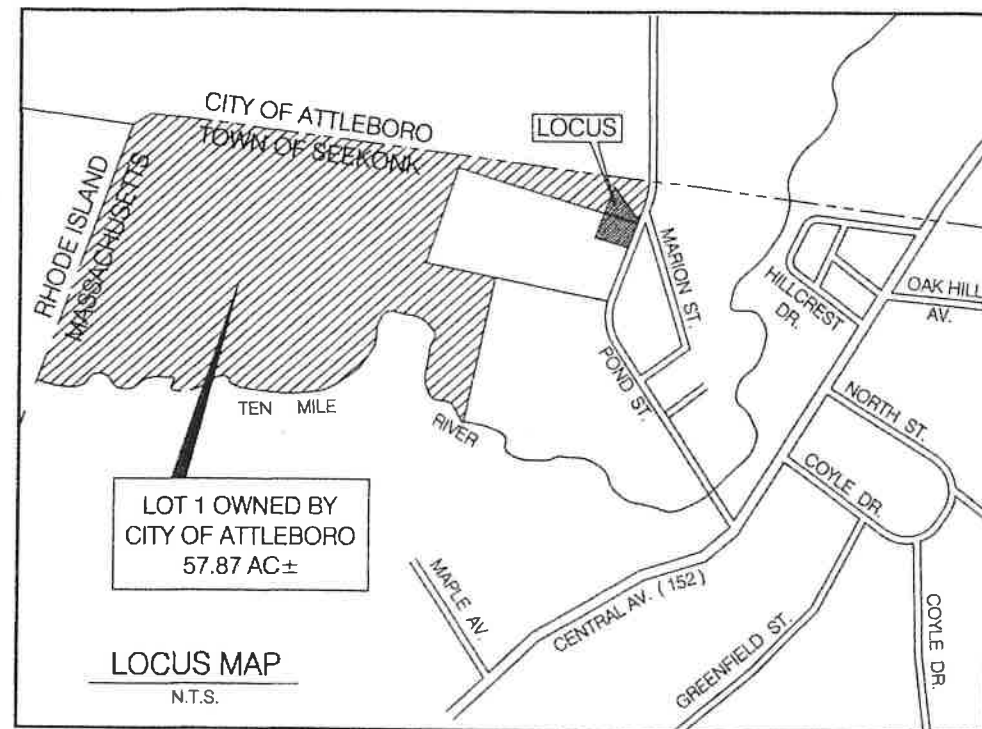
E. Otis Dyer August 25 2021
E. OTIS DYER, R.P.L.S. DATE

SEEKONK PLANNING BOARD APPROVAL UNDER
SUBDIVISION CONTROL LAW NOT REQUIRED.

DATE _____

CHAIRMAN _____

SIGNATURES OF THE PLANNING BOARD DO NOT
GUARANTEE THAT ALL OR ANY OF THE LOTS
SHOWN ARE BUILDABLE LOTS.



APPLICANT

MATTHEW HABERSHAW
120 POND STREET
SEEKONK, MA. 02771

OWNER

CITY OF ATTLEBORO
77 PARK ST.
ATTLEBORO, MA. 02703

ASSESSOR MAP 32, LOT 2
DEED REFERENCE - 699 / 597
ZONING - INDUSTRY

THE LOTS SHOWN ON THIS PLAN DO NOT LIE WITHIN
THE 100-YEAR FLOOD ZONE AS SHOWN ON F.E.M.A.
MAP NO. 25005C0114G JULY 16, 2015

NOTE: THIS PROPERTY LIES WITHIN THE TOWN OF
SEEKONK WATER RESOURCE PROTECTION DISTRICT.

SEE PLAN OF LAND IN SEEKONK MA. BY S.L. ROLFE &
ASSOC. LAND DEVELOPEMENT SERVICES, DATED DEC.
1960 IN PLAN BOOK 352, PG. 30

LAND SURVEYED FOR R.M.S. LAND CORP. POND
STREET SEEKONK, MASSACHUSETTS

E. OTIS DYER, R.P.L.S.
P.O. BOX 5
368 FAIRVIEW AVENUE
REHOBOTH, MA 02769
1-508-252-4363
Fax 1-508-252-5449
e_otis_dyer@msn.com



SCALE = 1"=40'
AUGUST 25, 2021



FOR REGISTRY USE ONLY



Planning Board

100 PECK STREET
SEEKONK, MASSACHUSETTS 02771
1-508-336-2961

MEMORANDUM

To: The Planning Board

From: John J. Aubin III, Town Planner

Date: September 14, 2021

Re: Work session 2021 update to the **Rules and Regulations Governing the Subdivision of Land in the Town of Seekonk**

It is respectfully requested the Planning Board conduct a work session with regard to potential amendment to the **Rules and Regulations Governing the Subdivision of Land in the Town of Seekonk**. Per the Planning Board's request this office is working with the Fire Department and Town Counsel to review **Section 8.3 Fire Protection**. Town Counsel has provided the following determination with regard to the Planning Board authority to require residential sprinklers or in the collection of the fire safety fee included in that provision:

With regard to Sections 8.3.2. and 8.3.3. of the Subdivision Rules and Regulations, in my opinion, there is no statutory authority for imposition of a requirement for installation of fire sprinklers as a condition of subdivision approval. Courts, however, have upheld such conditions where the property owner acquiesced in the condition at the time of subdivision approval. The evidence of such acquiescence might be either express, oral, or written assent or simply allowing the condition to become final by electing not to appeal the provision.

The installation of fire sprinklers is generally governed by the State Building Code and related statutory provisions, and under certain circumstances, as a condition of a discretionary permit such as a special permit. Otherwise, a planning board has no authority to impose conditions of approval on a definitive subdivision plan which are not either validly required under the board's subdivision rules and regulations or expressly agreed to by the subdivider. The type of subdivision regulation which may be validly adopted by planning boards is limited by G.L. c.41, §81Q. Section 81Q expressly prohibits subdivision rules or regulations which relate to the buildings which may be constructed on the subdivision lots, other than requirements for compliance with the local zoning by-law. In my opinion, a requirement for installation of fire sprinklers falls under this prohibited category of regulations.

Since planning boards are without authority to adopt regulations requiring fire sprinklers to be installed in all houses built in subdivisions, it is my opinion that they have no authority to impose a fire sprinkler requirement (8.3.2.) or fee in lieu (Section 8.3.3.) as a condition of subdivision approval, unless voluntarily agreed to by the subdivider. See, *Campenelli, Inc. v. Planning Board of Ipswich*, 358 Mass. 797 (1970).

Accordingly, the Building Commissioner may require sprinklers as provided for in the State Building Code or other applicable provision of G.L. c. 148 or the Fire Department pursuant to the Board of Fire Prevention Regulations at 527 CMR 1.00, et seq.

Given this determination, this office is reviewing what other options may exist to require residential sprinklers under the cited Building Code and Code of Massachusetts Regulations (CMR) provisions via the exercise of the authority granted to the Building Commissioner and Fire Department.

This office is also coordinating with the Department of Public Works and the Planning Board's Inspecting Engineering firm (GPI) to identify any language amendments that may be needed particularly with regard to sidewalks and the installation of utility connections.

Based on the above noted coordination efforts and the results of the Planning Board's discussion specific language will be drafted and presented for formal consideration.

Thank you.



Planning Board

100 PECK STREET
SEEKONK, MASSACHUSETTS 02771
1-508-336-2961

MEMORANDUM

Date: September 15, 2021

To: Honorable Seekonk Board of Selectmen and Planning Board

From: John J. Aubin III, Town Planner *JJA*

Re: Preliminary discuss of Zoning By-law amendments for 2021 Fall Town Meeting **Section 4. USE REGULATIONS**

The Planning Board has requested a joint meeting with the Board of Selectmen in order to discuss any additional amendments to the Zoning By-law with the Board of Selectmen particularly with regard to the treatment of industrial land uses within the **Section 4.2 Use Table**. Given the zoning amendments adopted at the Spring 2021 Town Meeting and limited jurisdiction of the Planning Board with regard to the denial of a use via the site plan review process; it would seem the most impactful area of additional amendments would be with regard to the land use table. To that end and in preparation for the joint meeting with the Board of Selectmen; the Planning Board will be reviewing the land use table at its September 14, 2021 regular meeting, as well as, the two potential options of either expanding the land use table with a more specific set of the uses (and potentially an appendix providing further descriptions of land uses) or providing for a list of uses which are prohibited in Town. Attached please find copies of the current **Section 4.2.5 Industrial Uses** from the Land Use Table, as well as, an examples of a comprehensive land use table with an appendix and list of prohibited uses utilized by other communities which are offered as examples of other approaches to industrial land use regulation.

It is anticipated that after the joint meeting and discussion, the Planning Board will be in position to finalize and present any proposed amendments to the Board of Selectmen for formal consideration and will stand ready to conduct a public hearing on any proposed amendments as needed ahead of the November 8, 2021 Fall Town Meeting.

Thank you.

**TOWN OF SEEKONK
ZONNGBY-LAW**

4.2.5 Industrial Uses

Principal Uses (unless specified otherwise)	Business Districts			Industry District	Residence Districts			
	LB D	HB D	LCV D	I	R-1	R-2	R-3	R-4
H. Industrial Uses¹								
1. Administration	N	N	N	Y	N	N	N	N
2. Research	N	N	N	Y	N	N	N	N
3. Manufacturing	N	N	N	Y	N	N	N	N
4. Processing	N	N	N	Y	N	N	N	N
5. Fabrication	N	N	N	Y	N	N	N	N
6. Assembly	N	N	N	Y	N	N	N	N
7. Storage	N	N	N	Y	N	N	N	N
8. Mini-storage	N	N	N	Y	N	N	N	N
9. Freight handling	N	N	N	Y	N	N	N	N

¹Excluding junk and used material storage or salvage operations, which are not pertinent to a manufacturing or fabrication use on the premises.

Cumberland RI

PRINCIPAL USES	A-1	A-2	R-1	R-2	R-3	C-1	C-2	I-1	I-2	OS-A	OS-P	OS-C
42. SPECTATOR ASSEMBLY	N	N	N	N	N	Y	Y	N	N	N	N	N
43. OUTDOOR RECREATION FACILITY	S	S	N	N	N	Y	Y	N	N	S	N	N
44. INDOOR SPORTS FACILITY	N	N	N	N	N	N	Y	Y	Y	N	N	N
45. NON-PROFIT COMMUNITY PARK AND PLAYGROUND	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N
46. TOWN COMMUNITY CENTER	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N
47. NON-PROFIT COMMUNITY CENTER	S	S	S	S	S	Y	Y	S	S	S	N	N
48. PASSIVE RECREATION	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
49. OPEN SPACE	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
50. RESERVED												
51. RESERVED												
52. RESERVED												
GENERAL SERVICES												
53. FINANCE, INSURANCE AND REAL ESTATE SERVICE	N	N	N	N	N	Y	Y	Y	N	N	N	N
54. PERSONAL SERVICE	N	N	N	N	N	Y	Y	S	N	N	N	N
55. FUNERAL HOME	N	N	N	N	N	S	Y	S	N	N	N	N
56. LIMITED BUSINESS SERVICE	N	N	N	N	N	Y	Y	Y	N	N	N	N
57. GENERAL BUSINESS SERVICE	N	N	N	N	N	S	Y	Y	N	N	N	N
58. CAR WASH	N	N	N	N	N	N	S	S	N	N	N	N
59. REPAIR SERVICE, AUTOMOTIVE	N	N	N	N	N	N	N	Y	Y	N	N	N
60. PROFESSIONAL SERVICE	N	N	N	N	N	Y	Y	Y	N	N	N	N
61. VETERINARIAN AND ANIMAL HOSPITAL; KENNEL	S	S	N	N	N	N	Y	Y	Y	N	N	N
62. VETERINARIAN AND ANIMAL HOSPITAL, NON-AGRICULTURAL	S	S	N	N	N	Y	Y	Y	Y	N	N	N

PRINCIPAL USES	A-1	A-2	R-1	R-2	R-3	C-1	C-2	I-1	I-2	OS-A	OS-P	OS-C
63. CONTRACT CONSTRUCTION SERVICE	N	N	N	N	N	N	S	Y	Y	N	N	N
64. WAREHOUSING AND STORAGE NOT INCLUDING OPEN LOT STORAGE	N	N	N	N	N	N	S	Y	Y	N	N	N
65. WAREHOUSING AND STORAGE INCLUDING OPEN LOT STORAGE	N	N	N	N	N	N	N	S	Y	N	N	N
66. SELF STORAGE FACILITY	N	N	N	N	N	N	S	Y	Y	N	N	N
67. ADULT ENTERTAINMENT	N	N	N	N	N	N	N	N	S ¹	N	N	N
68. RESERVED												
69. RESERVED												
70. RESERVED												
TRADE												
71. WHOLESALE TRADE WITHIN ENCLOSED STRUCTURE	N	N	N	N	N	N	S	Y	Y	N	N	N
72. WHOLESALE TRADE WITH OUTDOOR STORAGE	N	N	N	N	N	N	N	N	Y	N	N	N
73. RETAIL TRADE: BUILDING AND RELATED MATERIAL	N	N	N	N	N	N	S	Y	Y	N	N	N
74. RETAIL TRADE, 15,000 SF TOTAL GFA OR LESS	N	N	N	N	N	Y	Y	N	N	N	N	N
75. RETAIL TRADE, MORE THAN 15,000 SF TOTAL GFA	N	N	N	N	N	N	Y	N	N	N	N	N
76. GASOLINE SALES, AUTOMOTIVE	N	N	N	N	N	N	S	N	N	N	N	N
77. RETAIL TRADE: AUTOMOTIVE, MARINE CRAFT, AIRCRAFT AND ACCESSORIES	N	N	N	N	N	N	Y	Y	N	N	N	N
78. RESTAURANT	N	N	N	N	N	S	Y	Y	N	N	N	N
79. FAST FOOD RESTAURANT	N	N	N	N	N	N	S	Y	N	N	N	N
80. ADULT BOOK/VIDEO STORE	N	N	N	N	N	N	N	N	S ¹	N	N	N
81. RESERVED												
82. RESERVED												

¹ Such use shall not be located within 500 feet of any school, church, public recreation facility, day care center or residence

PRINCIPAL USES	A-1	A-2	R-1	R-2	R-3	C-1	C-2	I-1	I-2	OS-A	OS-P	OS-C
83. RESERVED												
TRANSPORTATION, COMMUNICATION & UTILITIES												
84. TRANSPORTATION CENTER	N	N	N	N	N	N	Y	S	Y	N	N	N
85. FREIGHT TERMINAL	N	N	N	N	N	N	N	S	Y	N	N	N
86. AIRCRAFT TRANSPORTATION	N	N	N	N	N	N	N	N	N	N	N	N
87. AUTOMOBILE PARKING (PRINCIPAL USE)	N	N	N	N	N	Y	Y	Y	N	N	N	N
88. COMMUNICATION AND UTILITIES	S	S	S	S	S	S	Y	Y	Y	N	N	N
89. WIRELESS ANTENNAE/SATELLITE DISH	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N
90. COMMUNICATION TOWERS	S	S	S	S	S	S	S	S	S	S	N	N
91. RESERVED												
92. RESERVED												
93. RESERVED												
MANUFACTURING												
94. FOOD AND KINDRED PRODUCTS, INCLUDING CANNING AND/OR PACKAGING	N	N	N	N	N	N	N	N	Y	N	N	N
95. BAKERY PRODUCTS	N	N	N	N	N	S	Y	N	Y	N	N	N
96. TEXTILE MILL PRODUCTS AND APPAREL	N	N	N	N	N	N	N	Y	Y	N	N	N
97. LUMBER AND WOOD PRODUCTS	N	N	N	N	N	N	N	Y	Y	N	N	N
98. PAPER AND ALLIED PRODUCTS, PRINTING AND PUBLISHING	N	N	N	N	N	N	N	Y	Y	N	N	N
99. CHEMICALS AND ALLIED PRODUCTS	N	N	N	N	N	N	N	N	S	N	N	N
100. AGRICULTURAL CHEMICALS	N	N	N	N	N	N	N	N	S	N	N	N
101. PHARMACEUTICALS	N	N	N	N	N	N	N	Y	Y	N	N	N
102. RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS	N	N	N	N	N	N	N	Y	Y	N	N	N
103. STONE, CLAY AND GLASS PRODUCTS	N	N	N	N	N	N	N	Y	Y	N	N	N

PRINCIPAL USES	A-1	A-2	R-1	R-2	R-3	C-1	C-2	I-1	I-2	OS-A	OS-P	OS-C
104. CEMENT, LIME, GYPSUM OR PLASTER OF PARIS MANUFACTURE	N	N	N	N	N	N	N	S	Y	N	N	N
105. PRIMARY METAL INDUSTRIES	N	N	N	N	N	N	N	S	Y	N	N	N
106. FABRICATED METAL PRODUCTS	N	N	N	N	N	N	N	Y	Y	N	N	N
107. DROP FORGE INDUSTRIES	N	N	N	N	N	N	N	S	Y	N	N	N
108. MACHINERY AND MACHINE PARTS	N	N	N	N	N	N	N	Y	Y	N	N	N
109. TRANSPORTATION EQUIPMENT/AUTO BODY REPAIR	N	N	N	N	N	N	N	Y	Y	N	N	N
110. SHIP AND BOAT BUILDING AND REPAIR	N	N	N	N	N	N	N	S	Y	N	N	N
111. PRECISION INSTRUMENTS AND SCIENTIFIC EQUIPMENT	N	N	N	N	N	N	N	Y	Y	N	N	N
112. JEWELRY AND SILVERWARE	N	N	N	N	N	N	N	Y	Y	N	N	N
113. MANUAL ASSEMBLY OF JEWELRY PARTS	N	N	N	N	N	N	S	Y	Y	N	N	N
114. PLATING OF JEWELRY AND METAL PARTS	N	N	N	N	N	N	N	Y	Y	N	N	N
115. ARTS AND CRAFTS	N	N	N	N	N	S	Y	Y	Y	N	N	N
116. BIOLOGICAL TECHNOLOGIES	N	N	N	N	N	N	N	Y	Y	N	N	N
117. RESERVED												
118. RESERVED												
119. RESERVED												
EXTRACTIVE INDUSTRIES												
120. MINING AND MINERAL EXTRACTION	N	N	N	N	N	N	N	N	Y	N	N	N
121. QUARRYING OF SAND, GRAVEL AND STONE	N	N	N	N	N	N	N	N	Y	N	N	N

1 4-5 Accessory Uses

- 2 Accessory uses are uses which are clearly incidental to and customarily associated with
3 the principal use and shall be operated and maintained under the same ownership and on
4 the same lot as the principal use and shall include, but not necessarily be limited to,

1 private garages, home occupations, swimming pools, and accessory parking. Accessory
2 uses cannot exist without nor precede any principal use on a vacant lot. Accessory uses
3 are subject to all the requirements of this Ordinance except as provided herein (see
4 Article 6 for specific requirements).

5 **4-6 Prohibited Uses**

6 Any use which is not specifically listed as a permitted use, by right or conditionally by
7 special use permit, in this article is a prohibited use. For the purposes of greater
8 specificity, however, the following uses are prohibited in the Town of Cumberland:

- 9 (a) Acid manufacture including hydrochloric, nitric, picric or sulfuric acid
- 10 (b) Asbestos and asbestos product manufacturing, assembly or processing
- 11 (c) Bulk storage, petroleum/LNG storage
- 12 (d) Chlorine or other similar noxious or toxic gases
- 13 (e) Extraction of underground water resources for wholesale or retail purposes-
- 14 (f) Glue manufacture
- 15 (g) Junkyard
- 16 (h) Landfill and/or solid waste transfer station
- 17 (i) Leather and fur tanning and finishing
- 18 (j) Mobile home park
- 19 (k) Motel
- 20 (l) Nuclear industries and explosives
- 21 (m) Outdoor advertising for off-site uses, billboards
- 22 (n) Petroleum products and related industries
- 23 (o) Petroleum refining
- 24 (p) Power plant, incinerator and waste facility
- 25 (q) Prison or correctional institution
- 26 (r) Pulp mills and paper mills
- 27 (s) Rendering or refining of fats or oils
- 28 (t) Slaughter of animals, not including fowl

Appendix A

This list of use code numbers is to be used in conjunction with Article 4 - Use Regulations. Each use code number corresponds with a specific line in the Use Table and illustrates the range of specific uses. Accessory uses, where appropriate, are also indicated.

Agricultural

1. Dairy Farm – including raising and boarding of cattle and hens for the purposes of producing milk and eggs; apparatus to assist in the production of dairy products, not including food processing of dairy products. Farmhouse and storage of farm related equipment and retail sale of products grown or raised on the property are allowable accessory uses. (See Article 7.)

2. Fruit Orchard - including related equipment for the harvesting of crop, not including food processing or canning of fruit and related produce. Farmhouse and storage of farm related equipment and retail sale of products grown or raised on the property are allowable accessory uses. (See Article 7.)

3. General Crops - raising of vegetable, corn, hay, sod, trees, flowers, nursery plants, and similar crops commonly used for household consumption, not including fruit orchards, food processing, canning, baking and the like. Farmhouse and storage of farm related equipment and retail sale of products grown or raised on the property are allowable accessory uses. (See Article 7.)

4. Animal Husbandry - breeding of livestock for food production, race horses, pets, fish and fowl, animals used for scientific and laboratory testing, not including swine or pigs, animals used for testing of cosmetic products, and rare or endangered animals (as defined by the U.S. Department of Interior) and dangerous reptiles and animals not common to the Northeast. Farmhouse and storage of farm related equipment are allowable accessory uses. (See Article 7.)

5. RESERVED

6. RESERVED

7. RESERVED

1 **Residential**

2 8. One Household Detached Dwelling - one household unit with accessory uses,
3 including home occupation.

4 9. Accessory Family Dwelling Apartment - see Article 2 - Definitions.

5 10. Two-Household Dwelling - A building used exclusively for occupancy by two
6 households living independently of each other.

7 11. Multi-Household Dwelling - A building or portion thereof used for occupancy by
8 three or more households living independently of each other.

9 12. Mixed Use Residential – building which contains both residential and commercial
10 uses, each of which is totally separated from the other, and where the residential use
11 is located on an upper story of the building, or in the rear portion of the building with
12 the commercial use facing the street frontage.

13 13. Group Quarters and Lodging - 10 rooming units or less with incidental lodging
14 building, historically referred to as a boarding house or rooming house, consisting of
15 no more than 10 rooms for individual sleeping and living, with or without individual
16 sanitation but without individual kitchens or cooking facilities. Such lodging may
17 include a communal area where meals are prepared and served. An apartment for the
18 operator of such a facility shall be permitted and not included in the total calculation
19 of rooms permitted..

20 14. Nursing Home – facility licensed by the State of Rhode Island, and maintained for the
21 purpose of providing skilled nursing care and medical supervision at a lower level
22 than that available in a hospital.

23 15. Assisted Living/Continuing Care Facility - includes retirement homes and
24 convalescent housing a building or buildings managed as one facility providing a
25 continuum of health care ranging from independent living to skilled nursing care for
26 residents, and including dining, recreational, avocational, personal care and shared
27 transportation facilities, provided that the density shall be no more than one bed per
28 each 2,000 square feet of gross acreage of the parcel on which it is located, and that
29 the nursing care units shall comprise no more than 15% of the total number of units.

1 16. Community Residence -- A home or residential facility where children and/or adults
2 reside in a family setting and may or may not receive supervised care. This shall not
3 include halfway houses or substance abuse treatment facilities. This shall include, but
4 not be limited to the following:

5 a. Whenever six or fewer mentally handicapped children or adults reside in any type
6 of residence in the community, as licensed by the state pursuant to Rhode Island
7 General Laws Section 40.1-24-1-1 et. seq.

8 b. A group home providing care or supervision, or both, to not more than eight
9 mentally disabled or mentally handicapped or physically handicapped persons,
10 and licensed by the state pursuant to Rhode Island General Laws Section 40.1-24-
11 1-1 et. seq.

12 c. A residence for children providing care or supervision, or both, to not more than
13 eight children including those of the care giver and licensed by the state pursuant
14 to Rhode Island General Laws Section 42-72.1-1 et. seq.

15 d. A community transitional residence providing care or assistance, or both, to no
16 more than six unrelated persons or no more than three families not to exceed a
17 total of eight persons requiring temporary financial assistance and/or to persons
18 who are victims of crimes, abuse or neglect, and who are expected to reside in
19 such residence not less than sixty days nor more than two years. Residents will
20 have access to and use of all common areas, including eating areas and living
21 rooms, and will receive appropriate social services for the purpose of fostering
22 independence, self-sufficiency, and eventual transition to a permanent living
23 situation.

24 17. Hotel, Bed & Breakfast: 10 rooms or less – lodging consisting of no more than 10
25 rooms without individual kitchen facilities or separate exterior entrances.

26 18. Hotel: 11 to 29 rooms - lodging consisting of no more than 29 individual rooms
27 without individual kitchen facilities and separate exterior entrances.

28 19. Hotel: 30 rooms or more – lodging consisting of 30 or more individual rooms
29 without individual kitchen facilities and separate exterior entrances. May include
30 hotels with extended stay lodging, with or without individual kitchen facilities.

1 20. Temporary Shelter, with supervision, 20 residents or less – rescue mission, homeless
2 shelter or drop in center with a capacity not to exceed 20 persons.

3 21. RESERVED

4 22. RESERVED

5 **Institutional and Governmental**

6 23. Educational Institution, Post Secondary, includes the following: classrooms, office
7 and assembly use, lecture hall, library, museum and other facilities for instructional
8 purposes; laboratory facility for teaching and research; radio station; administrative
9 office, including academic and business offices and security office; health care
10 facility and day care facility; bookstore; theater with no public assembly, dance studio
11 and exhibition facility; theater, stadium, and indoor and outdoor sports facility,
12 including gymnasium and athletic fields; such as swimming, skating, tennis, football,
13 baseball and other sports; residence hall or dormitory; sorority, fraternity, dining hall
14 and cafeteria; maintenance facility, workshop, garage, repair facility and power plant;
15 and parking garage and parking lot. Not including trade or business school,
16 vocational and trade skills in automotive, construction, metallurgical, chemical and
17 similar industrial operations.

18 24. & 25. Educational Institution, Elementary through High School (public and private),
19 includes the following: classrooms, office and assembly use, lecture hall, library and
20 other facilities for instructional purposes; laboratory facility for teaching;
21 administrative office; health care facility and day care facility; theater with no public
22 assembly, dance studio and exhibition facility; stadium and indoor and outdoor sports
23 facility, including gymnasium and athletic fields; dining hall and cafeteria; and
24 parking. Not including trade or business schools, vocational and trade schools in
25 automotive, construction, metallurgical, chemical and similar industrial operations.

26 26. Trade Schools - public and private institution providing training and/or instruction in:
27 art, business, bookkeeping, accounting, secretarial and the like, cosmetology,
28 dancing, driving, hair styling, music conservatory, not including vocational and trade
29 skills in automotive, construction, metallurgical, chemical and similar industrial
30 operations.

1 27. Religious Services – church, synagogue, other places of worship, including accessory
2 halls, retreat centers and similar activities.

3 28. Hospital, Medical Services and Clinic Medical and Health Services - hospital (not
4 animal hospital), institution licensed by the State of Rhode Island to provide primary
5 health services and medical or surgical care to persons, primarily inpatients, suffering
6 from illness, disease, injury, deformity and other abnormal physical or mental
7 conditions, and including, as an integral part of the institution, related facilities such
8 as laboratories, outpatient facilities or training facilities; medical diagnostic or
9 treatment facility, medical or dental office, research laboratory or educational facility,
10 sanitarium, and any use accessory thereto; center for occupational and physical
11 therapy, physical fitness, and drug and alcohol rehabilitation (provided such drug or
12 alcohol rehabilitation facility is owned by or operated in conjunction with a hospital);
13 clinic for medical, dental surgical or psychiatric treatment of disease and disability,
14 whether on an inpatient or outpatient basis; health maintenance organization (HMO).

15 29. Drug or Alcohol Rehabilitation Facility, not owned by or operated in conjunction
16 with a hospital.

17 30. Medical or Dental Office - building occupied by physicians, surgeons, dentists, nurses
18 or other medical, paramedical and para-dental personnel, not owned by or operated in
19 conjunction with a hospital, and where services are provided on an out-patient basis.

20 31. Town Government – Town of Cumberland may establish and locate municipal
21 facility, including town administrative or legislative office and chamber, judicial
22 office or court, municipal fire and police or rescue station, or any other town owned
23 or leased facility, with accessory use, including educational institutions in any district
24 except only OS-P and OS-C.

25 32. State Government - state administrative office, armory, judicial office or court, state
26 police station, or other state owned or leased facility, not including educational
27 institutions or prison or correctional institutions.

28 33. Day Care - Family Day Care Home - Any home other than the individual's home in
29 which day care or supervision is offered at the same time to six or less individuals
30 who are not relatives of the care giver, but may not contain more than a total of eight
31 individuals receiving such care.

- 1 34. Day Care - Day Care Center - Any other day care center, which is not a family day
2 care home.
- 3 35. Pre-schools, as defined by the Rhode Island Department of Elementary and
4 Secondary Education.
- 5 36. Service Organization - business, professional and labor organization; civic, social,
6 fraternal and service association; welfare, philanthropic and charitable institution; and
7 other miscellaneous services.
- 8 37. Cemetery - cemetery, historic cemetery, memorial park land used for the burial of the
9 dead and dedicated for cemetery purposes, including crematories, mausoleums and
10 mortuaries when operated in conjunction with and within the boundary of such
11 cemetery, but not including funeral homes.
- 12 38. RESERVED
- 13 39. RESERVED
- 14 40. RESERVED
- 15 **Cultural, Entertainment and Recreational**
- 16 41. Non-Profit Library, Museum or Art Gallery.
- 17 42. Spectator Assembly - auditorium, exhibition hall, sports arena, stadium, theater,
18 outdoor recreation facility, amusement park, drive-in movie, driving range, fair
19 ground, and miniature golf.
- 20 43. Outdoor Recreation Facility - golf course, tennis court, swimming pool, camp ground,
21 riding academy and country club.
- 22 44. Indoor Sports Facility - bath house, public bathing; gymnasium and indoor swimming
23 pool; bowling, billiards and like sports; boxing arena; dance hall; ice and roller
24 skating rink; indoor tennis squash and racquetball court; video arcade, games of skill,
25 shooting gallery.
- 26 45. Non-Profit Community Park and Playground - neighborhood, city wide and regional
27 park (multipurpose, leisure and ornamental garden); and playground or play field.

1 46. Town Community Center - facility owned and operated by the town, with the purpose
2 of providing public social, recreational or cultural services and programs.

3 47. Non-Profit Community Center - facility owned and operated by a non-governmental,
4 not-for-profit organization or entity, whose sole purpose is to house a non-profit
5 service, fraternal or sectarian organization including administrative offices, activity
6 programs, recreation and assembly.

7 48. Passive Recreation – Outdoor recreation land or park which is used principally in its
8 natural state for low intensity uses such as nature appreciation, hiking, swimming and
9 picnicking, and which does not include structures or facilities for organized sports or
10 other active recreation, but may include a supporting shelter or visitors center.

11 49. Open Space - community garden, forest reserve, wildlife refuge and other open space;
12 crop or tree farming, truck, gardening; provided that no permanent retail stand or
13 other commercial structure shall be located thereon except for the sale of products
14 raised on the premises land principally in an undeveloped state and used for, but not
15 limited to the following: protection of land in its natural state, including wetlands and
16 buffers, forest preserves and wildlife habitat areas; protection of views and
17 viewsheds; and passive enjoyment and reflection.

18 50. RESERVED

19 51. RESERVED

20 52. RESERVED

21 **General Services**

22 53. Finance, Insurance and Real Estate Service - banking and bank-related functions,
23 credit services, savings and loan association and credit union; security and
24 commodity trading service; insurance carrier; real estate agent, real estate developer.

25 54. Personal Service - apparel repair, alteration and cleaning pickup service; barber and
26 beauty service; massage parlor, tanning salon; photographic service; self service
27 laundry and drop-off cleaning service (no dry cleaning on premises); shoe repair
28 service.

- 1 55. Funeral Home - facility and establishment that arranges for and prepares funerals,
2 including preparation of corpses for burial, related ceremonial function rooms and the
3 like.
- 4 56. Limited Business Service - advertising agency; business office; credit reporting and
5 collection service; interior designer; photocopy; duplication, mailing and
6 stenographic service; private employment service; research and development of
7 related activities; watch, clock and jewelry repair service.
- 8 57. General Business Service - printing and copying service; bicycle repair; building
9 maintenance service; car washing; catering service; cleaning establishment, including
10 on premises dry cleaning; news syndicate service; pawn shop; radio, TV, electrical,
11 electronic and appliance repair service; re-upholstery and furniture repair service;
12 trade school for the instruction of general business service; and wholesale
13 merchandise broker, excluding wholesale storage.
- 14 58. Car Wash
- 15 59. Repair Service, Automotive – automobile service station, including the sale of
16 gasoline and accessories, lubrication shop, transmission shop, muffler and break
17 service; automobile re-upholstery and interior repair; and trade school for the
18 instruction of above repair services. Not including automobile body repairing and
19 painting and sale of automotive body parts.
- 20 60. Professional Service - accounting; architectural, engineering and related services;
21 legal; medical and related services; trade or professional school for the instruction of
22 professional services listed herein.
- 23 61. Veterinarian and Animal Hospital, Kennel - veterinarian service and animal hospital;
24 commercial operation that provides food, shelter and care of animals or which
25 engages in the breeding of animals for sale, whether or not in association with a
26 veterinarian.
- 27 62. Veterinarian and Animal Hospital, Non-Agricultural - veterinarian service and animal
28 hospital that provides services for domestic pets but not large animals associated with
29 farming, (cows and horses).

- 1 63. Contract Construction Service - cabinet making shop, carpentry service; concrete,
2 masonry or plastering service; electrical contractor; general contract construction
3 service; job shop; painting, paper hanging and decorating service; plumbing, heating
4 and air conditioning service; roofing and sheet metal service; taxidermy
5 establishment; well drilling service.
- 6 64. Warehousing and Storage, not including open lot storage.
- 7 65. Warehousing and Storage, including open lot storage.
- 8 66. Self Storage Facility - a one-story building or buildings used for public storage and
9 consisting of attached individually rented units
- 10 67. Adult Entertainment – an activity where any individual works or performs in the
11 nude, meaning the exposure of human genitals, or the female breast, in a manner
12 intended to arouse sexual excitement.
- 13 68. RESERVED
- 14 69. RESERVED
- 15 70. RESERVED
- 16 **Trade**
- 17 71. Wholesale Trade within Enclosed Structure - On-premises sales of goods primarily to
18 customers engaged in the business of reselling and/or transporting the goods
19 consisting of: building materials or lumber yard (retail also permitted); contractor's
20 equipment rental, storage and maintenance; drugs, chemicals and allied products;
21 durable goods and apparel; electrical and electronic goods; hardware, plumbing,
22 heating equipment, and supplies (retail also permitted); farm products; groceries and
23 related products; household goods; machinery equipment and supplies; motor
24 vehicles and automotive equipment; and general warehouse.
- 25 72. Wholesale Trade with Outdoor Storage - On-premises sales of goods primarily to
26 customers engaged in the business of reselling and/or transporting the goods
27 consisting of: building materials or lumber yard (retail also permitted); contractor's
28 equipment rental, storage and maintenance; drugs, chemicals and allied products;
29 electrical and electronic goods; hardware, plumbing, heating equipment, and supplies

(retail also permitted); farm products; groceries and related items; machinery equipment and supplies; motor vehicles and automotive equipment; nonflammable medical or industrial gases.

73. Retail Trade, Building and Related Material - hardware; nursery and garden supplies (retail only, greenhouse not permitted); paint, glass and wallpaper; yard equipment and supplies.

74. Retail Trade, 15,000 square feet of total gross floor area (GFA) or less – Retail trade consisting of one or more permitted retail trade use(s) and/or establishment(s), but which also may include office uses and personal and business service uses, in a building or buildings on a single lot, not exceeding 15,000 square feet of GFA of total building space.

75. Retail Trade, more than 15,000 square feet of total gross floor area (GFA) – Retail trade consisting of one or more permitted use(s) and/or establishment(s), but which also may include office uses and personal and business service uses, in a building or buildings on a single lot, with more than 15,000 square feet of GFA of total building space.

76. Gasoline Sales, Automotive - gasoline sales, with no service of automobiles, but including accessory sales of related products, or in conjunction with a convenience store.

77. Retail Trade, Automotive, Marine Craft, Aircraft and Accessories - motor vehicles (new and used); recreational vehicle sales; mobile home sales; marine craft sales and storage; tires, batteries and accessory sales.

78. Restaurant – an eating and/or drinking establishment, excluding entertainment.

79. Fast Food Restaurant - a commercial establishment where food or beverages are cooked, prepared or packaged and offered for sale inside or outside the structure by means of stand-up counter and/or drive-in service (including self service) and primarily serves or dispenses such food or beverages in or with disposable containers and/or utensils and take away food is more than incidental.

- 1 80. Adult Book and Video Store – sales of magazines, books, photographs, film, video or
2 any type of reproduction depicting sexual activity or the showing of human genitals,
3 or the female breast, in a manner intended to arouse sexual excitement.
- 4 81. RESERVED
- 5 82. RESERVED
- 6 83. RESERVED
- 7 **Transportation, Communication and Utilities**
- 8 84. Transportation Center - motor vehicle rental office, including outdoor storage of
9 vehicles; taxicab terminal; truck and trailer rental office, including the storage of
10 moving vans, truck trailers, storage trailers and/or boat trailers; bus passenger
11 terminal; railroad passenger terminal; rapid rail transit; accessory indoor maintenance
12 and storage.
- 13 85. Freight Terminal - public utility service yard, railroad yard or freight yard, accessory
14 outdoor maintenance and storage.
- 15 86. Aircraft Transportation - heliport, including accessory outdoor maintenance and
16 storage.
- 17 87. Automobile Parking (principal use) - garage or open lot for passenger and
18 commercial vehicles, not including gasoline sales or automotive repairs.
- 19 88. Communication and Utilities - structure or facility owned by a governmental entity, a
20 nonprofit organization, a corporation or any entity defined as a public utility by the
21 State of Rhode Island and used in connection with the production, generation,
22 transmission, delivery, collection or storage of water, sewage, electricity, gas, oil or
23 electronic signals including but not limited to: electrical substation; telephone,
24 telegraph and cable television utilities or junction box; oil or gas storage facility;
25 drinking water well, pumping station, storage or treatment facility; water supply
26 reservations or reservoirs; wastewater pumping station or treatment facility.
- 27 89. Wireless transmitting and receiving antenna, including satellite dish type.

1 90. Communication Towers – A structure, either a lattice tower or a monopole, whose
2 purpose is to elevate an antenna which is utilized to emit or receive radio frequency
3 communications.

4 91. RESERVED

5 92. RESERVED

6 93. RESERVED

7 **Manufacturing**

8 94. Food and Kindred Products, including canning and/or packaging - beverage
9 manufacturing and/or bottling; brewery or distillery; canning and preserving fruits
10 and vegetables; confectionery and related products; dairy products; grain mill
11 products; ice manufacturing; meat products (not including slaughter); poultry
12 products (including slaughter); sugar manufacturing; canning and preserving of fish
13 and seafood. Not including the processing of sauerkraut, vinegar or yeast.

14 95. Bakery Products

15 96. Textile Mill Products and Apparel - carpet and rug weaving; fur goods; hats, caps and
16 millinery; knit goods, woven fabrics, felt and other small wares; lace and lace goods;
17 yarns and threads; laundry and/or dry cleaning plant; dyeing plant and finishing of
18 textiles; leather and leather apparel suits, coats and overcoats including furnishings,
19 work clothing and allied garments, outerwear and undergarments.

20 97. Lumber and Wood Products - furniture and fixtures manufacturing; household and
21 office furniture; millwork veneer, plywood and pre-fabricated structural wood
22 products; partitions, shelving, lockers and office and store fixtures; sawmills and
23 planing mills; signs and advertising displays; toys, amusement, sporting and athletic
24 goods; wooden containers; and other articles and merchandise made from wood or
25 wood products.

26 98. Paper and Allied Products, Printing and Publishing - books, newspaper and
27 periodicals; printing, binding and publishing; building paper and building paper
28 board; converted paper, paperboard and paperboard products; paperboard containers
29 and boxes; industrial printing, including manifold business forms, greeting cards.

1 99. Chemicals and Allied Products - alcohol manufacturing; battery manufacturing;
2 bleaching and dyeing; manufacture in processing of fuel and ice, gum and wood
3 chemicals, industrial inorganic and organic chemicals, paints, varnishes, lacquers,
4 enamels and allied products, nonexplosive processes; plastic materials and synthetic
5 rubber, synthetic and other man-made fibers; soap, detergents and cleaning
6 preparations, perfumes, cosmetics and other toilet preparations; creosote
7 manufacture or treatment.

8 100. Agricultural Chemicals – manufacture of agricultural chemicals, including
9 fertilizer.

10 101. Pharmaceuticals – manufacture of drugs for the prevention, cure, treatment or
11 diagnosis of disease, or other non-food substances intended to affect any function of
12 the human body.

13 102. Rubber and Miscellaneous Plastic Products – manufacture of advertising display
14 signs, floor covering, miscellaneous plastic products; reclaiming rubber; rubber
15 footwear, sporting goods and stamps, toys and novelties; rubber manufacture or
16 treatment; tire manufacturing, tire re-treading, tire recapping.

17 103. Stone, Clay and Glass Products - manufacturing, compounding, assembling or
18 treating articles or merchandise from the following prepared materials: brick and
19 tile, cement and cement products, concrete, gypsum and plaster products, cut stone
20 and stone products manufacturing, flat glass, glass and glass ware, glass tubing,
21 neon signs, pottery and related products, and structural clay products. Above
22 products may be fired only in kilns powered and/or heated by electricity or gas.

23 104. Cement, Lime, Gypsum or Plaster of Paris Manufacture - potash works; materials
24 processing, distribution and storage of cement, salt, rock, sand and gravel; rock
25 quarries; stone mill; junk yard, including storage, sorting, collecting or baling of
26 rags, paper, metal or junk, truck or automobile wrecking.

27 105. Primary Metal Industries - blast furnaces; steel works; and rolling and finishing of
28 ferrous metals; iron and steel foundries; primary and secondary smelting and
29 refining of nonferrous metals; rolling, drawing and extruding nonferrous metals;
30 smelting of tin, copper, zinc or iron ore including blast furnace or blooming mill.

1 106. Fabricated Metal Products – manufacture of cutlery, hand tools, machine tools,
2 general hardware, metal cans and other metal products; fabrication of structural
3 metal products; fabrication of wire products (miscellaneous products); manufacture
4 of heating apparatus and plumbing fixtures; manufacture of light sheet-metal
5 products; metal shop; metal stamping; manufacture of screw machine products and
6 bolts, nuts, screws, rivets and washers; coating, engraving and allied services; and
7 blacksmith and silversmith shop.

8 107. Drop Forge Industries – drop forge, manufacture of forgings with power hammers.

9 108. Machinery and Machine Parts – manufacture of agricultural machinery;
10 communication equipment; computer hardware and related business machines;
11 construction, mining and materials handling machinery and equipment; electric
12 lighting and wiring equipment; electrical apparatus, motors, generators, coils,
13 condensers, transformers and welding equipment; electrical transmission and
14 distribution equipment; electronic components, accessories, instruments and
15 devices; engines and turbines; general office or industrial machinery and
16 equipment; household appliances; audio and video parts and equipment; metal
17 working machinery and equipment and metal tools.

18 109. Transportation Equipment/Auto Body Repair – manufacture of aircraft and parts;
19 rail equipment; motor vehicles and equipment; motorcycles and bicycles; and auto
20 body shop for major repairs to automobile, truck or motorcycle bodies or chassis,
21 including body repair, priming and painting. painting services, rebuilding,
22 assembling, reconditioning, overhauling.

23 110. Ship and Boat Building and Repair – facility for the construction and repair of
24 boats.

25 111. Precision Instruments and Scientific Equipment - engineering, laboratory and
26 scientific and research instruments and associated equipment; instruments for
27 measuring, controlling and indicating physical characteristics; musical instruments
28 and parts; ophthalmic goods, optical instruments and lenses; pens, pencils and other
29 office and artists' equipment; photographic equipment and supplies; surgical,
30 medical and dental instruments and supplies; watches, clocks, clockwork devices
31 and parts.

1 112. Jewelry and Silverware – jewelry, jewelers’ findings and materials, costume
2 jewelry, costume novelties, buttons and miscellaneous notions, silverware and
3 plated ware.

4 113. Manual Assembly of Jewelry Parts - job shops, not including plating.

5 114. Plating of Jewelry and Metal Parts – jewelry plating, related precious and semi-
6 precious metal parts and products, including electroplating and plating of electronic
7 parts and products using acids and electrical mechanisms.

8 115. Arts and Crafts - manufacture of articles from metal, wood, stone, clay, glass,
9 ceramic, paper, leather or similar material for display or wholesale or retail sale,
10 provided that no more than 2,500 square feet of gross floor area (GFA) shall be
11 used in such manufacture and that there be no more than 5 employees.

12 116. Biological Technologies - industries that use rDNA (recombinant deoxyribonucleic
13 acid), cell fusion and novel bioprocessing techniques, including related research
14 into processes that promote human health diagnostics and therapeutics; agricultural
15 biology including plant genetics for food purposes; veterinary products;
16 environmental remediation techniques; and manufacture of instruments that assist in
17 biological research. Such use shall exclude the placement of hazardous biological
18 waste, by-products or processing material in holding tanks or any type of storage
19 on-site.

20 117. RESERVED

21 118. RESERVED

22 119. RESERVED

23 **Extractive Industries**

24 The extraction of minerals including: solids, such as gravel, sand, coal and ores; liquids
25 such as crude petroleum; and gases, such as natural gases. The term also includes
26 quarrying; well operation; milling, such as crushing, screening, washing and flotation;
27 and other preparation customarily done at the extraction site or as a part of the extractive
28 activity.

1 120. Mining and Mineral Extraction - excavation of the earth for the purpose of
2 extracting metals, ore, coal, salt and other minerals, but not oil or gas. Includes
3 tunnel mining with surface buildings, elevator shafts and related drilling equipment,
4 not including strip mining where the ore is exposed to the surface for extractive
5 purposes.

6 121. Quarrying of Sand, Gravel and Stone - excavation of the earth for the purpose of
7 extracting sand and gravel for mixing of concrete and related aggregates. Includes
8 surface stripping and excavation of earth by means of blasting and drilling, with
9 attendant buildings, storage of mined product and related drilling equipment.

10 **Prohibited Uses (see Section 4-6):**

11 (a) Acid Manufacturing - hydrochloric acid; nitric acid; picric acid; sulfuric acid.

12 (b) Asbestos and related asbestos products manufacturing, assembly or processing

13 (c) Bulk Storage, Petroleum/LNG Storage - heating oil, diesel oil, storage of petroleum
14 products, propane and kerosene storage for retail sale; bulk storage of petroleum
15 products, propane storage; bulk storage of liquefied petroleum gas, liquefied nitrogen
16 gas (other gases stored under pressure or temperature are not permitted).

17 (d) Chlorine – manufacture of chlorine or other similar noxious or toxic gases and
18 chemicals.

19 (e) Extraction of Underground Water Resources for Wholesale or Retail Purposes – The
20 removal of water from aquifers in the town for the purpose of bottling and selling as
21 a commodity, either wholesale or retail. This prohibition shall not apply to the
22 extraction, treatment and distribution of underground water resources as part of the
23 public drinking water supply system.

24 (f) Glue Manufacture

25 (g) Junkyard (not including landfill) - lot or part thereof used for the storage, keeping or
26 abandonment of junk, including scrap metal or other scrap or waste material, or for
27 the dismantling, demolition or abandonment of automobiles or other vehicles or
28 machinery or parts thereof.

- 1 (h) Landfill and/or solid waste transfer facility – land used for the on-site disposal of
2 non-hazardous refuse or for the temporary storage, sorting, or processing of solid
3 waste.
- 4 (i) Leather and Fur Tanning and Finishing
- 5 (j) Mobile Home Park - residential mobile home, mobile home park, trailer park.
- 6 (k) Motel – lodging with no kitchen facilities and with separate exterior entrances to each
7 unit.
- 8 (l) Nuclear Industries and Explosives - nuclear process related machinery; nuclear
9 reactor (not for generating power); processing and storage of nuclear fuels and other
10 materials; storage, reclaiming and disposal of nuclear waste; and manufacture and
11 storage in bulk quantities of explosives, munitions and ordinance.
- 12 (m) Outdoor Advertising – billboards (freestanding or on building).
- 13 (n) Petroleum Products and Related Industries – manufacture of household products
14 derived from petroleum, including flooring material, paving and roofing materials.
- 15 (o) Petroleum Refining - coal distillation including manufacture or derivation of the by-
16 products; manufactured gases from petroleum and petroleum by-products; tar
17 distillation or tar products manufacture.
- 18 (p) Power Plant, Incinerator and Waste Facility Incinerator - steam and/or electricity
19 generating facility powered by solar, natural gas or low sulfur oil; power plant
20 powered by solid wastes; incinerator; sewage disposal facilities or solid waste
21 transfer station, operated by or for a state or municipal agency.
- 22 (q) Prison or Correctional Institution
- 23 (r) Pulp Mills and Paper Mills
- 24 (s) Rendering or Refining of Fats or Oils
- 25 (t) Slaughter of Animals, not including fowl, and distillation of bones
- 26 (u) Stock Yard or Feeding Pen

- 1 (u) Stockyard or feeding pen
- 2 (v) Storage and/or processing of medical wastes (as a principal use)
- 3 (w) Tobacco processing

4 **4-8 Drive Through Service**

5 Any use which is listed as a permitted use, by right or by special use permit, but which
6 also includes a proposed drive-through window or drive through services, shall be
7 permitted only by special use permit in accordance with the provisions of Article 18 of
8 this Ordinance.
9

ZONING

Art. III

<i>Uses</i>	<i>RR/R80</i>	<i>PP</i>	<i>NR/R40</i>	<i>VR/R20</i>	<i>MF</i>	<i>PV</i>	<i>VLDR</i>	<i>LDR</i>	<i>NB</i>	<i>WB</i>	<i>GB</i>	<i>HB</i>	<i>PB</i>	<i>IO</i>	<i>WVC</i>	<i>GI</i>	<i>LI</i>	<i>WI</i>	<i>OS</i>	<i>PL</i>	<i>Dev. Standards</i>
4. Golf courses with associated facilities	S	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	
5. Health and fitness facility	N	N	N	N	N	N	N	N	S	S	S	S	S	S	S(2)	S	S	S	N	Y	
<i>Tourism</i>																					
1. Travel trailer park	S	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y
2. Camping area	S	N	N	N	N	N	S	S	N	N	N	N	N	N	N	N	N	N	N	Y	
3. Hotel; motel; inn, within a building previously occupied as a residence	N	N	N	N	N	N	N	N	Y	S	Y	Y	Y	S	S(2)	S	S	N	N	N	Y
4. Bed and breakfast	S	N	S	S	N	S	S	S	S	N	N	N	N	N	S(2)	N	N	N	N	N	Y
<i>Marine Business</i>																					
1. Marine and oceanographic research labs	N	N	N	N	N	N	N	N	N	Y	N	N	N	S	N	Y	Y	S	N	Y	
2. Marinas	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	S(2)	N	N	N	N	Y	
3. Marine-oriented clubs, i.e., boating, swimming	S	N	S	S	N	S	N	N	N	Y	N	N	N	N	S(2)	N	N	N	N	Y	
4. Boat building or boat restoration	N	N	N	N	N	N	N	N	N	S	N	N	N	N	N	Y	Y	Y	N	N	
5. On-land boat storage during nonboating season	N	N	N	N	N	N	N	N	N	Y	S	Y	N	N	N	Y	Y	Y	N	Y	
6. Agency for rental of boat and marine equip.	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	S(2)	N	N	N	N	Y	
<i>Marine Industrial</i>																					
1. Commercial fishing docks and facilities	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	Y	N	Y	N	Y	
2. Commercial fish processing	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	Y	N	N	
3. Wholesale fish and shellfish establishment	N	N	N	N	N	N	N	N	N	Y	N	Y	N	N	N	Y	N	Y	N	N	
4. Waterfront terminal operations	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	
5. Vessel towing services	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	Y	N	N	
6. Marine salvage	N	N	N	N	N	N	N	N	N	S	N	S	N	N	N	Y	N	Y	N	N	
<i>Industrial</i>																					
1. Earth removal	N	N	N	N	N	N	N	N	N	N	N	N	N	N	S	S	N	N	N	Y	
2. Commercial salvage yard	N	N	N	N	N	N	N	N	N	N	S	N	N	N	Y	N	N	N	N		
3. Processing of sand and gravel	N	N	N	N	N	N	N	N	N	N	N	N	N	N	S	S	N	N	N	Y	

<i>Uses</i>	<i>RR/R80</i>	<i>PP</i>	<i>NR/R40</i>	<i>VR/R20</i>	<i>MF</i>	<i>PV</i>	<i>VLDR</i>	<i>LDR</i>	<i>NB</i>	<i>WB</i>	<i>GB</i>	<i>HB</i>	<i>PB</i>	<i>IO</i>	<i>WVC</i>	<i>GI</i>	<i>LI</i>	<i>WI</i>	<i>OS</i>	<i>PL</i>	<i>Dev. Standards</i>
4. Recycling facilities	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	S	N	N	N	N	Y
5. Manufacturing, fabrication or processing	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	
6. Assembly or packaging	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	
7. Printing and publishing plant	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	
8. Distribution center, parcel delivery center, delivery warehouse	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	
9. Millwork	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	Y	Y	N	N	N	
10. Research and development facilities	N	N	N	N	N	N	N	N	N	N	N	N	N	S	N	Y	Y	S	N	N	
11. Wholesaling and warehousing	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	Y	Y	Y	N	N	
12. Custom work or restoration:																					
a. With outside operations and storage	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	S	S	S	N	N	
b. Without outside operations and storage	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	
13. Business incubator, no one use to exceed 2,500 square feet in size	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	Y	Y	N	N	N	
<i>Transportation</i>																					
1. Bus terminal	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	Y	Y	N	N	N	
2. Freight terminal	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	Y	N	Y	N	N	
3. Helistop	N	N	N	N	N	N	N	N	N	N	N	N	N	S	N	S	N	S	N	N	
4. Passenger terminal	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	

- (1) Except as permitted under article 9.
- (2) Subject to limitations on the size of uses and structures as stated in section 21-93, Wickford Village district, general provisions, paragraph (2).
- (3) Sales of kayaks, canoes, or other nonmotorized small craft shall be allowed with a special use permit.
- (4) Any carry-out window shall be located in such a manner that it is accessible only from the property upon which the business is located. No interference with the public right-of-way shall be allowed.
- (5) Operation of a boat brokerage shall be a permitted use.

Sec. 21-111. Light industrial district.

(a) *Purpose and intent.* The purpose of the light industrial district is to provide opportunities for industrial uses which are of a less intensive nature than those allowed in the general industrial district. It is also intended to provide for industrial areas in groundwater recharge overlay or wellhead protection overlay districts or areas where sanitary sewers are not available. These types of areas are intended to serve as a transition from more intensive to less intensive uses.

(b) *Performance standards.* In the light industrial zone, the standards in this subsection will be applied during the review of land uses proposed for this zone. Such standards are considered to be minimum and in addition to any other performance standards contained within this chapter. Such standards are established to ensure the protection of surrounding land uses and implementation of the comprehensive plan and this chapter. The performance standards are as follows:

- (1) *Noise.* Noise shall be measured from the nearest property line and shall not exceed, other than background noises produced by nonindustrial sources such as vehicular traffic, the following levels:
 - a. At all times 65 dBA
 - b. When abutting a residential district:
 1. 8:00 a.m. to 10:00 p.m. 60 dBA
 2. 10:00 p.m. to 8:00 a.m. 50 dBA
- (2) *Vibration.* Vibration shall be measured from the nearest property line and shall not be discernible to the human sense of feeling other than background vibration produced by nonindustrial sources such as vehicular traffic.
- (3) *Odor.* Light industrial uses shall not emit noxious, toxic or corrosive fumes or gases in any quantity.
- (4) *Fire and explosives.* All uses and storage facilities shall be approved by the town fire marshal with regard to fire and explosive hazards.
- (5) *Heat or glare.* Any heat or glare produced by any operation or use shall not be discernible from any property line. Exterior lighting shall reflect away from all abutting properties and streets.
- (6) *Waste or effluent.* There shall be no discharge of any kind into the ground other than domestic sewage.
- (7) *Conduct of activities.* All land use activities in a light industrial zone shall be conducted indoors, except for outside storage permitted by this chapter.
- (8) *Buffers.* Buffer requirements are set out in subsection 21-112(b).

(Ord. No. 98-7, 5-11-1998)

Cross reference—Licenses, permits and miscellaneous business regulations, ch. 9.

Sec. 21-112. General industrial district.

(a) *Purpose and intent.* The purpose of the general industrial district is to provide opportunities for a wide range of industrial activities. The intent is to concentrate industrial activities in areas where minimal infringement upon the character of established residential areas will result and where sanitary sewers and adequate transportation facilities are available or can be made available.

(b) *General requirements.* General requirements are as follows:

- (1) *Fences; screens.* Where a lot in an industrial district adjoins a residential district or faces a residential district and wherever an industrial building or use, including required off-street parking spaces, is within 200 feet of the residential district, there shall be placed and maintained parallel to the common district boundary a wall or fence of solid appearance or a plant screen of not less than six feet in height which shall extend along and for the full length of the common zone boundary. In any required front or principal corner side yard or within 25 feet of the intersection of a driveway centerline and a street, the landscaping provisions of this chapter shall be met.
- (2) *Buffer requirements at Quonset Point.* Notwithstanding subsection (b)(1) of this section, a vegetated buffer of no less than 25 feet in width shall be required along any lot line wherein an industrial district in the Quonset Point/Davisville Industrial Park adjoins a residential district. Such vegetation shall be no less than six feet in height and shall consist of species designed to provide protection from the visual and noise impact of industrial use.

(Ord. No. 98-7, 5-11-1998; Ord. No. 01-1, § 7, 2-12-2001)

Cross reference—Licenses, permits and miscellaneous business regulations, ch. 9.

Sec. 21-113. Waterfront industrial district.

(a) *Purpose and intent.* The purpose of the waterfront industrial zoning district is to provide opportunity for marine-related and marine-dependent industries which require deepwater facilities.

(b) *Setback from coastline.* No building or structure shall be closer than 200 feet to the coast of the shore except for piers, docks, floats and marine railways and other facilities normally requiring a location on or adjacent to the shore.

(Ord. No. 98-7, 5-11-1998)

Cross reference—Licenses, permits and miscellaneous business regulations, ch. 9.

Secs. 21-114—21-130. Reserved.

ARTICLE III. LAND USE TABLE*

Any use not expressly permitted by this chapter shall be deemed to be prohibited. However, any list of prohibited uses contained in any section of this chapter shall be deemed to be illustrative only, not exhaustive.

***Editor's note**—See editor's note to art. II of this chapter.

- (2) Outdoor displays of merchandise or goods are permitted subject to the following requirements:
 - a. The total area of such displays shall not exceed five percent of the total floor area of the business establishment;
 - b. The outdoor display must be on the same lot as the establishment and behind the front face of the building;
 - c. No outdoor displays are permitted in the public right of way;
 - d. All outdoor display must be brought inside by the end of each business day, with the exception of plants and landscaping materials;
 - e. Outdoor display shall not obstruct building exits or fire lanes.
 - (3) Subsections (2)a. and (2)b. above shall not apply during special village-wide festivals or events during specified times of the year, when designated as such by the town council.
 - (4) Any vending machine or other mechanical device for the distribution of goods directly to a consumer without the intervention of any cashier or other employee outside or visible from outside the building is prohibited.
- (Ord. No. 02-20, § 2, 11-18-2002)

Secs. 21-94—21-109. Reserved.

INDUSTRIAL ZONING DISTRICTS

Sec. 21-110. General requirements; permitted and prohibited uses.

(a) Property and buildings to be used for industrial purposes shall be so designed and laid out as to minimize disturbance to adjacent property by such features as buffer fences, planting, suitably located points of traffic ingress and egress, and areas for loading and parking. It is the intent of this section to also provide the necessary protection for industry from other neighboring uses and to provide assurances of continued legal operation to industrial uses. The primary vehicle used to achieve these goals will be the establishment and use of performance standards.

(b) All uses permitted in industrial zones shall conform with performance standards in this section. These shall include uses involving the processing, assembly and fabrication of materials; accessory uses; wholesaling and warehousing; public utilities; research facilities; corporate offices; shipping; and the extraction of natural resources.

(c) A solid waste management facility shall be a prohibited use in an industrial zone.
(Rev. Ords. 1974, § 17-5-1; Ord. No. 85-5, § 2, 2-11-1985; Ord. No. 95-3, § 1, 5-8-1995; Ord. No. 98-7, 5-11-1998)

require application to and review by the planning commission. A public hearing and notification, in accordance with subsection (b)(1)b of this section, shall be required.

- g. *Appeal.* Appeal from the decision of the planning commission shall be in accordance with applicable statutes concerning appeals from any decision of a planning commission.

(2) *Site plan.* Procedures for site plans are as follows:

- a. *Site plan review.* Following master plan approval, the applicant may file for site plan approval by the director of planning and development.
- b. *Project phasing.* If the developer anticipates a phased development, a proposed phasing plan and schedule must be submitted to the director for the director's approval at the time of site plan submission. The phasing schedule, upon approval by the director, may be amended from time to time. Amendment to the phasing schedule shall not be considered an amendment to the site plan.
- c. *Modifications.* Any modification to the approved site plan shall be approved by the director of planning and development.

(3) *Multifamily dwellings.* The requirements of section 21-40 of this article shall be applicable to multifamily dwellings in the planned business district.

(Ord. No. 95-3, § 1, 5-8-1995; Ord. No. 02-7, § 2, 7-8-2002)

Cross reference—Licenses, permits and miscellaneous business regulations, ch. 9.

Sec. 21-92. Institutional/office district.

The purpose of the institutional/office zoning district is to provide opportunity for the location of governmental, business and professional offices; research facilities; institutional uses; and support services. These types of areas are intended to also serve as a transition from more intense to less intense uses.

(Ord. No. 98-7, 5-11-1998)

Cross reference—Licenses, permits and miscellaneous business regulations, ch. 9.

Sec. 21-93. Wickford Village Center district.

(a) *Purpose and intent.* The purpose of this zoning district is to encourage small-scale business and residential uses consistent with the historic and pedestrian-scale characteristics that exist and are desired to be retained and which are unique to Wickford Village.

(b) *General provisions.*

- (1) In the Wickford Village district any use or structure in excess of 5,000 square feet gross floor area shall require a special use permit, and no structure shall have a footprint exceeding 10,000 square feet.

SEEKONK PLANNING BOARD
Public Hearing, Regular Meeting & Work Session
Planning Board Meeting Room
August 10, 2021

Present: D. Sullivan, M. Bourque, B. Hoch, S. Foulkes, Lee Dunn, P. Aguiar, S. Escaler, and John Aubin, Town Planner

Ch. Sullivan opened the meeting at 7:02 pm.

PUBLIC HEARING: Application for **Definitive Subdivision** for "**Brigham Farm III**" for proposed 8-lot residential subdivision of land located at **0 Woodland Ave., rear/Burnside Ave.** being AP 35, Lot 20; AP 36 Lots 2 and 11; and AP 39, part of 156 in an R-4 Zoning District.
CONTINUED FROM APRIL 13, 2021, MAY 11, 2021, JUNE 8, 2021, and JULY 13, 2021.
Applicant: Sagar Services, Inc.

P. Dunn made a motion reconvene the public hearing, S. Foulkes seconded the motion and it was unanimously approved.

VOTE: 7-0-0

J. Aubin updated the Board that Crossman Engineering has been engaged and submitted comments which David Bray will respond to. This evening we will have a discussion of the requested waivers. J. Aubin received two phone calls from abutters who live on Burnside Avenue indicating they are in favor of the waiver of sidewalks. He informed the abutters that the Board prefers in-person or written testimony.

Ch. Sullivan wanted to discuss the "Wet Pond" concept. J. Aubin informed him that it is a design difference between a "Wet Pond" which would hold water and be a retention basin versus a detention basin which holds the water and then infiltrates the water back out into the system. He referred to Mr. Bray to speak further on this item.

J. Aubin stated that the revised plans that were requested at the last meeting have been received and distributed to the Board. They do not answer the engineers' comments at this time. They represent the changes that Mr. Bray discussed at the last meeting regarding wells.

David Bray, President of Caputo & Wick, 1150 Pawtucket Avenue, Rumford, RI 02916 responded to the Peer Review comments regarding infiltration being 34% of the project area versus the 80% that is suggested under the "Stormwater Handbook". If these were classified as A or B soils, it would be a lot easier to achieve that. He cited from the checklist "Runoff from all impervious areas at the site is not discharging to an infiltration B&P and calculations are provided showing that the drainage area contributing to it is sufficient." The reason this is not being done is because the site is comprised solely of C & D soils and/or bedrock at land surface. Therefore, it would not be compatible to what is suggested. They had looked into super elevating the road at the beginning point coming down the hill so that all the water would pitch to the southeast side of the road and have an opening in the curb into the forebay's area. The adjacent road would then be 3-feet higher. DPW had concerns about icing at the TRC meeting with super elevated roads; therefore, DPW suggested keeping with the typical crown roadway.

To get the water from the east side of the road to the west side of the road, drainage inlet structures needed to be put in and then pipe it under the road. Whereas, if there were a sheet flow run off across the super elevated, then there could be a slot in the curve going to a forebay and then keep the water up 3-feet higher than where it is now because of the piping having to be below the road. The pipe system eliminated the availability to keep the ground up 3-feet higher above the water table and create an infiltration possibility. There were concerns raised at the TRC meeting; therefore, a wet pond system was used.

J. Aubin stated the super elevated roadways are more of a feature of the open drainage systems that generally provide for increased infiltration. This is a closed system due to the results of the TRC meeting. J. Aubin summarized the DPW's concerns to be with the super elevation is the sheet flooding that occurs. D. Bray said that because of the Highway Department's concerns, they went back to the crown system.

J. Aubin stated that to provide for this an additional waiver would have to be requested from the crown road to the super elevated roadway. Mr. Bray added that the Highway Department was going to make a recommendation to the Planning Board not to grant that.

D. Bray discussed the Crossman Engineering Initial Stormwater Review Memorandum. He clarified that when the drainage computations as part of the drainage basin the perimeter and area of elevation 110 are accounted for one pond elevation. Each half a foot of elevation is put into the drainage comps to show what volume of water can be stored in that area. The 110 elevation has that area in it, but when the forebay fills up, it fills up to elevation 110 ½ then it spills over into the grass swale and the wet basin. At elevation 110 ½ the flood elevation in the wet basin only goes up to elevation 110 so it never backs up into the forebays and then it's metered out into the outlet control structure and the emergency spillway. If there were a storm larger than the 100-year storm, the water would flow out into the emergency spillway at elevation 110 (6 inches below the outfall from the forebay) so that the water wouldn't go up above that 110 ½ to back up into the sediment forebay. J. Aubin stated that was one of the prior issues with the super elevated roadway where there would be a closed system in that instance where that waiver was granted, the end result would be back charging all those pipes back into the road.

There was further discussion on how the water will be routed to the wet pond.

B. Hoch asked if the drain lines are corrugated or concrete pipe. D. Bray believes the Engineer, Steve Cabral, uses HDPE (high-density polyethylene) while his engineer uses CPEP (corrugated profile wall polyethylene). D. Bray said it is ADS corrugated plastic pipe which is used all the time. B. Hoch was not comfortable to vote on something when the Board is not sure if DPW will accept it. Ch. Sullivan said if it is approved tonight, it would be conditioned on DPW's approval. D. Bray stated if DPW does have an issue with using this type of pipe, they will substitute it with one to meet DPW approval.

Ch. Sullivan asked if there were any other questions from the Board. There were none.

Ch. Sullivan asked J. Aubin if there were any further business in order to close the public hearing and then discuss the waivers and move forward.

Ch. Sullivan asked if there were anyone in the audience who would like to speak on this matter.

Chris Kraft, of 222 Burnside Avenue, has some issues with the waivers being suggested. He would like the neighborhood to stay the same, whether it is the road width, Town water, etc. He doesn't believe narrowing the roads and making some of these changes is not consistent with what is already there. He pointed out that water can be put into these areas, but it is very expensive. The roads could be widened, but they don't have to because there is a waiver that allows it. He said he would like the Board to consider if any waiver that is afforded, is it actually bringing the neighborhood back and just saving money for the builder to go through.

P. Dunn said it is a balancing act for the Board. They want to do what is right for the Town and also to be fair and equitable for the people trying to run a development. She suggested that Mr. Kraft speak to the developer and come to terms. She believes both sides love the neighborhood and they could make common cause.

C. Kraft raised concerns that some of the other neighbors had in regard to safety. He is relaying their concerns as well as his own when it comes to fire vehicles being able to go down a narrower street.

J. Aubin stated that Town water is not in the jurisdiction of this Board. This should be directed to the Seekonk Water District (SWD). He said that Mr. Sagar's engineers provided a pathway for SWD to accomplish what Mr. Kraft spoke of in regards to looping the system to be able to provide adequate pressure out in this development.

Mr. Kraft stated he wishes to minimize the changes whether it is a road, water or trees being cut down. Ch. Sullivan said that there is more open space in this development compared to a conventional subdivision. Mr. Kraft stated if the Board thinks this will maintain or improve the neighborhood, then he is all for it. If they believe it is taking a step back from the neighborhood, then the Board should review that.

G. Sagar clarified that most of the waivers he is asking for will not affect the Phase I and Phase II developments.

S. Foulkes asked if the developer has to pay for the plumbing that will go to each house. Ch. Sullivan replied that the developer paid for the tie-in fee. He also stated that SWD may not have the water supply needed for this development. Mr. Kraft said the added customers, the maintenance of the membranes which filter the water back at the station, the tank maintenance will incur additional costs to operate. The Water Department is not facilitating developers to add to their system. If developers want to join their system, they have to pay the additional fees to cover the added expenses to tie-in new developments. The Water Department would require new developments that have low pressure to upgrade the system in order to deliver water to them which would be expensive. He believes it would be less expensive to put wells in rather than increase the water pressure in the water lines.

G. Sagar stated there is not enough water to supply the eight houses he is going to be building. J. Aubin said it is a pressure issue because of a dead-end line. G. Sagar stated the Water Department's engineer recommended Mr. Sagar find an easement on property on Cherry Hill Drive and run an 8-inch line underneath the railroad tracks and loop it to his development.

Ch. Sullivan asked the Board if the Public Hearing could be concluded and then take up the matter at hand as far as the approval or not of the application with the waivers and conditions. The Board agreed.

G. Sagar spoke on the waivers on the fire alarm box. The Town and Mr. Sagar are going to split the cost for the one box installed in a location determined by the Fire Department. He also pointed out that Phase I and II do not have sidewalks. Per Town Regulation 8.7.1 sidewalks shall be required when they will connect to existing sidewalks. Brigham Farms III would not connect to anything. He voiced his opposition to having a homeowner's association.

Ch. Sullivan asked the Board if there were any questions of the applicant, engineer or developer. There were none.

B. Hoch made a motion to close the Public Hearing at this time, seconded by P. Dunn.
VOTE: 7-0-0

Ch. Sullivan moved on to the matters at hand with the application. The Definitive Subdivision Application as presented with the request for waivers and the various conditions that were discussed along the way.

Ch. Sullivan opened up to the Board for questions and comments.

The Board went through the waivers one at a time.

1) Section 5.3.17.7 – Datum is NGVD29

- a. Existing aerial topographic mapping is based upon NGVD29

DISCUSSION:

D. Bray discussed the Baseline Elevation Data. He confirmed the topographic mapping was conducted in 2005 or 2006 on NGVD29, the Town's benchmark system, was utilized. A waiver is required to update all the topographic mapping by lowering it eight-tenths of a foot and all the contours would be changed as well. The wetland adjacent to the wet pond is at approximately elevation 108. The wet pond that is being designed is 102 in the lowest portion of it with the majority of it being 105.

Ch. Sullivan asked if there were any additional comments on Item 1. There were none.

Ch. Sullivan asked for a vote. The waiver passed unanimously.

B. Hoch made a motion to grant the waiver as requested, seconded by M. Bourque.
VOTE: 7-0-0

2) Section 5.6 – Environmental Impact Statement

DISCUSSION:

Ch. Sullivan stated that the Environmental Impact Statement was not required because it had been addressed and agreed upon by the Board previously.

J. Aubin stated that the second paragraph of Section 5.6 states “The Planning Board may waive the requirement for the submission of any section or sections of the statement which seem inappropriate to the proposed development. **IT IS THE INTENTION OF THE PLANNING BOARD TO GRANT WAIVERS AS A MATTER OF COURSE WHERE EXCESS IMPACTS ARE NOT ANTICIPATED.**

**B. Hoch made a motion to grant the waiver #2 the Environmental Impact Statement Section 5.6, seconded by S. Foulkes. The waiver passed unanimously.
VOTE: 7-0-0**

3) Section 6.8.2 – Drainage System

- a. Request not to establish a homeowner’s association to maintain the drainage system.

DISCUSSION:

B. Hoch approves having a homeowner’s association. Ch. Sullivan said per Town Counsel it is up to the Board whether or not to grant this waiver. J. Aubin clarified to the Board that if the waiver is granted, there would be no homeowner’s association. The maintenance of the development, when the roadway would be accepted, would fall onto DPW. The Town is looking to adopt stormwater utility to provide for maintenance of the stormwater systems where there are not homeowners associations.

**B. Hoch made a motion deny the request to not establish a homeowners’ association to maintain the drainage system, seconded by P. Dunn. The waiver was denied unanimously.
VOTE: 7-0-0**

Ch. Sullivan asked if there were any further discussion. There were none.

4) Section 7.2.2.2 – Pavement Width/Sidewalks

- a. Pavement width is 22’ not 28’ as recommended by the Technical Review Committee.

DISCUSSION:

M. Bourque confirmed for the Board that Public Safety vehicles would be able to access a 22’ paved roadway.

B. Hoch had questions regarding how 22’ ended up being the street width. J. Aubin replied that during the TRC meeting, there was no opposition from the Fire Department or DPW to go to 22’. Mr. Hoch had concerns that this width is not consistent with the rest of the Brigham development. He also voiced his concern that if the street was now 22’ there would be no sidewalks and people would be forced to walk in a narrow roadway. He believes the Board is making a big mistake discussing the sidewalks without the width of the street.

Ch. Sullivan asked the Board to consider that there are not sidewalks in the surrounding neighborhoods as well. This will be a dead-end street with sidewalks. His feeling is if the Board were to allow the waiver requested for a 22’ wide road, they would have to enforce the requirement to have sidewalks based on the regulations.

S. Escaler questioned the width of the rest of Burnside Avenue. M. Bourque replied that going in to Burnside off of Oak Hill Road is the narrowest width because that is an older road which then widens

to the new development on Burnside. G. Sagar stated that the road is 40' layout with 24' of pavement with a 1' berm so it would be 22' of travel width with an 8' shoulder on either side. The paved area is narrower, but the layout is the standard for this type of development.

J. Aubin read from the regulations that "sidewalks are not less than 4' in width shall be constructed on one side of the street and conform to the specifications of the Town. Said sidewalks shall be required when they will connect to existing sidewalks." Ch. Sullivan noted that based on this language, sidewalks are not something that the Board can require.

Ch. Sullivan asked if the Board would like to make a motion to grant the waiver as requested for 22' and then as part of that, make a motion to address the sidewalk so that they are consistent or make it conditional one for the other. There was further discussion on the width of the roadway.

J. Aubin said that there is an Open Space parcel that runs on the western side of the roadway from Burnside Avenue to the cul-de-sac adjacent to the railroad. He suggested that a stone dust path installed along that open space parcel, not within the road right-of-way, so it is not a sidewalk. Functionally it will serve all the same purposes that a sidewalk would and also would be handicap accessible. This suggestion would make the homeowners association responsible for maintenance on the path. J. Aubin stated that any homeowners' association documents that are accepted as the Town do have easements back to the Town so that if there are maintenance issues that are not taken care of, the Town has the right to enter onto the property and fix/maintain the issue and charge the homeowners' association.

Ch. Sullivan stated that there was a motion that was seconded to accept the waiver request and allow the 22' wide roadway. He asked for any further discussion. There was none.

M. Bourque made a motion to support the waiver request for the pavement widths to go from 28' to 22', seconded by P. Aguiar.

VOTE: 6-1-0 with B. Hoch opposed.

5) Section 7.2.4 – Length of Dead-end Streets

DISCUSSION:

D. Bray told the Board that the original length of the street was 2,300 ft., but because of the topography of the land and the wetlands the road will be 1,500 ft. long. B. Hoch stated that a fire hose is 1,000 to 1,200 ft. long and there are no fire hydrants on this road. M. Bourque said that two fire trucks would be able to access the development using 2,000 ft. of hose. J. Aubin made sure that Capt. Lowery from the fire department was aware of this situation during the TRC meeting. Ch. Sullivan told the Board that the hydrant on Burnside solves a lot of the access problems.

M. Bourque made a motion to approve the waiver for the length of the dead-end street, seconded by P. Dunn.

VOTE: 7-0-0

6) **Section 7.3 and 8.7 – Sidewalks**

- a. Sidewalks will be grass sidewalks.

DISCUSSION:

S. Foulkes said the pro for using a stone dust trail is pervious so the water would drain and it has mobility possibilities. The con would be the maintenance issue. J. Aubin showed the Board where the stone dust trail would be on the map provided. M. Bourque said the homeowners would have to be informed that the grass sidewalk was not their land. M. Bourque asked D. Bray if they needed to put sidewalks on the whole length of the road, would they be able to go over the wetland crossing? D. Bray answered it is graded so that a 4' sidewalk area could be walked upon, but it would affect the stormwater. G. Sagar replied that one of the biggest issues on the sidewalks is there are two abutters who are adamant that they do not want any more trees to come down unnecessarily. Ch. Sullivan stated that the main concern is the maintenance of the stone dust path versus a concrete sidewalk.

Ch. Sullivan asked the Board for their input on how they wanted to proceed: if they want to not grant the sidewalk waiver as requested.

DISCUSSION:

Ch. Sullivan said if the Board does not grant the waiver, then it goes back to the original regulations. P. Aguiar stated that at the last meeting there was a consensus vote to allow the 22' road with the sidewalks.

D. Bray stated it affects the drainage computations. Not being able to super-elevate the road limits the space for storage for stormwater. He believes he will not be able to design the stormwater to not show an increase if he has to treat the stormwater from a paved sidewalk.

There was a discussion amongst the Board and the applicant on whether or not the sidewalks should be waived. G. Sagar stated he had supplied the Board with approximately 25 signatures from neighbors who did not want sidewalks. He believes they would be happy with the stone dust path that is being proposed.

Ch. Sullivan said if this motion is denied or the negatives are in the majority, another motion could be put on the floor to be a compromise to the conditions that have been discussed. G. Sagar asked if the Board could entertain an amendment to the motion. Ch. Sullivan said that since B. Hoch made the motion and P. Dunn seconded it, they would have to agree to amend it.

Ch. Sullivan put it to a vote: those in favor of the motion to deny the waiver request as discussed.

B. Hoch made a motion that the Board NOT grant the sidewalk waiver requested, seconded by P. Dunn.

VOTE: 2-4-0 with P. Dunn, M. Bourque, P. Aguiar and S. Escaler opposed. The motion fails.

Ch. Sullivan asked if there were anyone who wanted to make a counter motion different than the one that was just voted on that may include compromised ideas for sidewalks.

DISCUSSION:

S. Foulkes asked the applicant what he thought of this compromise considering he has been opposed to a homeowner's association. J. Aubin said that in his experience it is very common for a HOA to be responsible for the maintenance of open space, particularly where it runs along a roadway. S. Escaler asked to add the verbiage that the HOA is responsible for maintenance. M. Bourque agreed to add to the motion.

S. Foulkes asked for the pros and cons for having the stone dust. Ch. Sullivan said the pros are it is permeable; it doesn't affect the calculations for the drainage which would have the engineer go back to design all of the components to the system and D. Bray may not be able to meet the standard if a change is made to non-permeable sidewalks are installed. J. Aubin added that it addresses a lot of the public safety issues that have been identified. P. Aguiar added it keeps the standard for Phase I and II and it meets the residents petition not to have sidewalks. Ch. Sullivan called for a vote.

M. Bourque made a motion to entertain the concept of the stone dust sidewalk as discussed with J. Aubin and the applicant with the condition that the homeowner's association maintain, seconded by P. Dunn.

VOTE: 5-2-0 with S. Foulkes and B. Hoch opposed.

7) Section 8.3.1 – Fire Alarm Box

Ch. Sullivan asked for the wording for the motion as there have been comprises agreed to.

DISCUSSION:

Ch. Sullivan clarified for the Board that the developer is responsible for 50% of the cost while the Town/surety will cover the remaining 50%. J. Aubin stated the surety remaining for Brigham Farm Section II will be utilized to pay for half of the fire alarm box. This will meet the requirement for Brigham Farm II and the Matt's Way requirement.

Ch. Sullivan made a motion granting of the waiver on the condition that the applicant will coordinate with the Fire Department in providing a fire alarm box along Burnside Avenue in conjunction with finalizing the development for Brigham Farm Section II, seconded by P. Aguiar.

VOTE: 7-0-0

Ch. Sullivan called for a motion to grant the plan approval which would include the conditions under Items B and C of Page 2 of Mr. Aubin's Memo.

P. Aguiar made a motion to approve the application of Sagar Services Inc. for Conservation Subdivision Plan Review for Brigham Farm Section III Lots of Division Land located off of Burnside Avenue, AP 38, Lot 56; AP 36, Lots 2 and 11; AP 35, Lot 20 located in an R-4 Zoning District with all the qualifications listed in the Town Planner's Memo, seconded by M. Bourque.
VOTE: 7-0-0

REGULAR MEETING:

DISCUSSION:

Agenda Item 2: Jacoby Way completion and road acceptance

J. Aubin wanted to review the punch-list provided by GPI with the Board. James Noyes (GPI), Dave Cabral (DPW) and J. Aubin met with the HOA representatives in June. J. Aubin informed the Board that along the left-hand side of the road, there was supposed to be a retaining wall which ran about 120'. GPI provided an analysis stating the retaining wall is not required nor is a guard rail. He also noted the trees along the backside of the detention basin that do not serve as a buffer or buffer space. These are two points of modifications he feels the Board may want to consider as they move forward towards acceptance.

J. Aubin stated there is a catch basin in front of the bio-retention area that needs to be raised up to avoid anyone driving into it or tripping hazard. There was further discussion on the bio-retention area.

The covenant lot was discussed.

S. Foulkes asked if the configuration would stay the same size because there are two driveways that could back into the bio-retention. J. Aubin doesn't believe there is any proposal to reconfigure the edge of pavement there or to functionally change it. It is constructed as it was designed.

J. Aubin told the Board that the outstanding items are being actively worked on. They are expected to be ready by the Fall Town Meeting to gain acceptance with the big three items are: handicap accessibility ramp, raising the catch basin and a fire alarm box.

DISCUSSION:

Agenda Item 3: SPL2021-00025) Site Plan application of Robert Ranaldi for change in use without construction located at 1087 Newman Ave. being Ap 27, Lot 145 in a Local Business District.

The applicant was not present. J. Aubin indicated there were no changes proposed to the site other than adding 7 parking spaces for automobile sales use. Ch. Sullivan requested to continue this in order to ask the applicant questions in regards to parking.

P. Aguiar made a motion to continue to the late August meeting, seconded by P. Dunn.

VOTE: 7-0-0

Work Session:

- a. Discussion Item: (2021-07) **Greenbrier Village II** MA Comprehensive Permit (Chapter 40B – Affordable Housing) made by **Seekonk Holdings LLC**

J. Aubin provided the Board with a Revised Site Plan that was submitted to the Zoning Board. The previous proposal had the primary access to the development to come in along Greenbrier Drive. In response to comments from Mass. DOT and the Environmental Impact Statement for the project access is now being proposed at Cole Street as well as a traffic light to be provided there.

Ch. Sullivan discussed the water main layout and the Water District's concerns about being able to supply the proposed development with water. He requested J. Aubin write a memo to the Zoning Board about possible water pressure issues for the development.

P. Dunn voiced her concerns about increased traffic flow, even with the proposed new traffic light. J. Aubin confirmed that there is a traffic study being done. J. Aubin to add this to the memo to the Zoning Board.

J. Aubin pointed out that the Town of Seekonk is at 1.7% for affordable housing which is lower than the state's threshold of 10%. This project will increase that percentage to around 7 to 8% because the Town will receive credit for all 240 units even though they are not all affordable units.

b. Town Planner Monthly Report/ subdivision update

J. Aubin updated the Board on Pinebrook Court Certificate of Safe Passage request. There is currently a telephone pole towards the middle of the entranceway. The TRC had a meeting last month with the applicant, engineer, DPW and Public Safety to discuss this matter. Capt. Lowery from Public Safety coordinated with DPW to have some fire apparatus go to the site. The right-hand side of the entrance needs to be extended in order to obtain safe passage. If the Board does not want Mr. Aubin to issue the Certificate of Safe Passage, they will need to vote on the matter.

Ch. Sullivan would like to add this to the Agenda for the August 24th Master Plan Meeting. He requested that Capt. Lowery, the developer, the engineer and Dave Cabral DPW Superintendent) invited to that meeting.

J. Aubin stated that at the Fall Town Meeting, the subdivisions to be discussed are: Hidden Hills, Brady Estates, Winterfell, and possibly Stoneridge. There was a discussion on DPW's proposed reconfiguration for Stoneridge's sidewalks. This will be discussed in the future if a modification application is received.

The Open Space Recreation Plan will be reviewed by the Planning Board on August 24th. A current draft will be forwarded to the Board. The Plan will be submitted to the State for their review at the end of September.

A revised schedule was given to the Board on the Master Plan meetings. Mr. Aubin will reach out to the School Department in order to add their pertinent elements to the Plan.

DPW has cleared land and prepped for the first phase of the remediation at ADW.

c. Planning Board Member Reports/SRPEDD Update

P. Dunn reported the SRPEDD meeting was held via ZOOM on the 28th. She spoke about the housing crisis here in Massachusetts. J. Aubin explained that does not mean there is too much housing, it means there is not affordable housing in the state.

She said monies were received for Covid Relief Funds: 100 million towards tourism; 400 million for water and sewer; 800 million for culverts and dams; 100 million to enhance state parks; 100 million for marine facilities. J. Aubin advised working with Jenn Miller, the Town's grant coordinator, to obtain some of these monies.

Jeffrey Walker was reappointed as Executive Director of SRPEDD.

Ch. Sullivan stated that a Community Preservation Committee (CPC) meeting was scheduled for the following night at 6 p.m. to discuss and item for application.

M. Bourque announced that he is stepping down from the Board.

Ch. Sullivan asked J. Aubin to send the Board of Selectmen a memo stating M. Bourque's resignation and to request they advertise and set up a joint meeting in September to vote on a replacement.

Approval of Minutes: July 13, 2021 and July 27, 2021.

P. Dunn made a motion to approve the minutes of July 13, 2021 with administrative change from S. Foulkes, seconded by B. Hoch.

VOTE: 7-0-0

An amendment for the July 27, 2021 Master Plan minutes was made by M. Bourque. He requested to have the members that were absent be listed along with the reason. S. Foulkes also had a minor change to be corrected.

S. Foulkes made a motion to approve the minutes of July 27, 2021 with a slight elimination of redundant two words (Page 2 paragraph 6) and adding the two individuals who were not at the meeting (M. Bourque and P. Aguiar), seconded by P. Dunn.

VOTE: 5-0-2 with M. Bourque and P. Aguiar abstaining.

Adjournment:

B. Hoch made a motion to adjourn the meeting, P. Dunn seconded, and it was unanimously approved.

The meeting was adjourned at 10:10 p.m.

Respectfully Submitted by,
Lori Trenteseaux, Secretary
Planning Board

*Formally accepted on __/__/2021
__ in favor, __ against, __ abstention*

Full Video available to view on TV9 Seekonk Community Access Television
Link: <http://tv9seekonk.com/>

SEEKONK PLANNING BOARD
Regular Meeting & Work Session
Board of Selectmen Chambers
100 Peck Street
Seekonk, MA 02771
August 24, 2021

Present: D. Sullivan, B. Hoch, S. Foulkes, and P. Aguiar
John Aubin, Town Planner

Absent With Cause: P. Dunn

Ch. Sullivan opened the meeting at 7:05 pm.

Ch. Sullivan spoke of M. Bourque's resignation from the Board. J. Aubin stated that there are two candidates. He recommended posting for them to appear before the Board at the September meeting along with any other potential candidates. The next step is to schedule a joint appointment with the Planning Board and the Board of Selectmen (BOS) on September 15th. Ch. Sullivan explained the appointment will be the remaining term vacated by M. Bourque. If that person, or anyone from the community, would like to have that seat they will need to pull papers.

REGULAR MEETING:

1. Discussion item Cooper Road Certificate of Safe Passage.

DISCUSSION:

Present: Dave Cabral (Superintendent of DPW), Sandra Lowery (Fire Chief of SFD), Paul Carlson (Project Engineer of Insite Engineering)

J. Aubin summarized a request for the issuance of safe passage. A utility pole remains in the roadway at Cooper Road and Arcade Avenue. Subsequent to the July meeting of the Technical Review Committee (TRC), D. Cabral and Chief Lowery went to the site with emergency apparatus. The proposed temporary extension of the roadway was discussed. A 21' travel lane on either side of the utility pole is shown for getting into or out of the development on the sketch provided by P. Carlson. J. Aubin cited from Section 8.5.5.1 of the **Rules and Regulations Governing the Subdivision of Land in the Town of Seekonk**.

D. Cabral talked about the TRC meeting where the utility pole relocation status was discussed. He stated that the developer has done his due diligence with the utility companies regarding relocating the pole prior to any ground-breaking. D. Cabral informed the Board that a tentative public hearing will be held on Wednesday, September 1st with the utility company and the BOS. Chief Lowery and D. Cabral went onsite and found that the center of the utility pole had a 21' offset from the north edge of the pavement on Cooper Road. It was found that a fire engine could remain on the pavement after having it go onsite to perform various maneuvers utilizing the northern portion. The recommendation to Insite was to mimic the pavement to the southern portion to ensure safety apparatus has passage in the event of an emergency. He suggested that barrels and reflectors be placed to highlight the pole being there because it is an obstruction. He stated that in order to consider interim safe passage which would only be for construction vehicles, there would be no Certificates of Occupancy granted until this pole is where it needs to be.

Chief Lowery reiterated that the fire apparatus can get in and out safely with this amendment, but this is just on a temporary basis until the pole is moved.

J. Aubin noted that the draft Certificate of Safe Passage that was included in the Board's packet does include all the conditions that D. Cabral had stated.

P. Carlson brought up that this process had started in February with National Grid to try to move this pole. He believes that the solutions they have worked on with D. Cabral and Chief Lowery that the Town, the developer, and Departments can work with. He asked for the Board's consideration and approval.

Ch. Sullivan asked about the surety for this project. J. Aubin replied that there is a covenant for the entire subdivision. P. Carlson answered that it is a cash surety at this time which has been reduced. J. Aubin reminded the Board that the pole is not part of the surety.

S. Foulkes asked how this is going to affect the ANR on the south side and the potential house on 250 Arcade. J. Aubin stated the only affect is that the developer can start construction on those lots. Access to both lots are coming off of Cooper Road; they cannot get access off Arcade Avenue because of a drainage structure. The telephone pole is tying up these building permits also even though they are not part of the development. J. Aubin said that once the telephone pole is relocated, the roadway will go back as it was originally designed.

Ch. Sullivan inquired as to the layout of the road. P. Carlson replied that it is a 40' layout, with the pavement being 22' with flared ends.

The pole will be relocated 30' south of where it is presently located per P. Carlson.

J. Aubin informed the Board that moving the pole is a process that includes National Grid, Verizon, and the Board of Selectmen.

J. Aubin provided a section of the Rules and Regulations which states: "upon approval by the roadway having the binder course down by the Planning Board or the representatives, the Town Planner will issue a Certificate of Safe Passage."

Ch. Sullivan called for a motion to have the Town Planner issue a conditional Certificate of Safe Passage to the developer subject to the conditions as noted in the memo and draft.

P. Aguiar made a motion to have the Planner issue a temporary Certificate of Safe Passage with the provisions noted in the staff handout, seconded by B. Hoch.

VOTE: 4-0-0

It was noted that 4 Board members were present for the vote.

S. Escaler arrived to the meeting at 7:20 p.m.

2. *SPL2021-00025*) Site Plan application of **Robert Ranaldi** for change in use without construction located at **1087 Newman Ave.** being Ap 27, Lot 145 in a Local Business District. CONTINUED
FROM: August 10, 2021

DISCUSSION:

J. Aubin informed the Board that this is an existing commercial building. The site plan is consistent with the original one from 1975. The applicant would like to use 7 parking spaces for automotive display. The remaining parking spaces would be adequate with the Zoning By-law for required parking.

The applicant, Robert Ranaldi was present representing himself. He is requesting a license for a used car dealership.

There was discussion amongst the Board to add maintaining the entrance/exit area as a condition if petition is approved. A 24' travel aisle will need to be established.

Ch. Sullivan proposed to have 4 spaces perpendicular for the cars on display in front of the building. He asked if the parking for employees and customers ratio has been met. J. Aubin stated under the minimum parking requirements is 11 which is lower than the 17 currently at the location.

B. Hoch asked if the entire building was going to be used as a car dealership. R. Ranaldi replied that he is just renting a portion of the building (approximately 1,000 sf). He believes the owner of the building will be using the remaining space for storage.

R. Ranaldi told the Board that he is more of an automotive brokerage. He obtains the vehicles via auction so most of the vehicles acquired will go from one auction to another without being on display at this site.

Ch. Sullivan stated to the Board that part of a condition when a motion is made could be any change to the parking status would need another site plan application and obtain a permit from the Building Official.

Ch. Sullivan asked if there were any other questions. There were none.

B. Hoch made a motion to approve the site plan application for Robert Ranaldi at 1087 Newman Avenue, Assessors Plot 27, Lot 145 in a Local Business Zoning District with the current parking plan as discussed to have 4 across the front with a total of 7 to display cars, seconded by P. Aguiar.

VOTE: 5-0-0

WORK SESSION:

- a. Reorganization of the Board to fill vacant position of Vice Chair

S. Foulkes made a motion to postpone reorganization of the Board to the September meeting, seconded by B. Hoch.

VOTE: 5-0-0

- b. Master Plan Discussion – Element status and public input session schedule

- **Open Space and Recreation Element**
- **Natural Feature and Resources**

DISCUSSION:

J. Aubin presented to the Board that this Plan has been in the works since 2017-2018 with the aid of the Planning Department, Conservation Commission, the Recreation Department and other non-profit organizations. In 2020 Weston Sampson was engaged to take the initial draft that was developed by the Open Space working group into a final format. This plan was presented to the Board of Selectmen (BOS) in June for public comment for a period of two weeks. The final modifications are in the process of being finalized. J. Aubin is updating the demographic information and adding all recent developments which will be completed by the end of this month.

The plan provides goals and objectives for a 7-year period. It also provides an analysis of the public sites as well as privately owned sites, and sites owned by non-profit organizations (The Seekonk Land Conservation Trust and Rhode Island Audubon Society). He pointed out that part of the requirements for the plan is preparation of some updated maps. A number of these maps are going to be used for some of the other elements that will be discussed in the coming months. Most notably, the population change map, zoning map as well as the water resource map.

J. Aubin suggested to the Board starting with the goals and objectives section of the Plan. The Elements that he would like to see incorporated are: the Bike Plan as well as making sure that one of the action items is the adoption of Local Conservation Land Trust. There were questions from the Board as to who would maintain land that is Town owned. J. Aubin replied that the Plan identifies the need for a management plan for any site obtained by the Town. Some of the items that will be addressed are: parking areas, whether or not there will be trails, will the site be used for active or passive recreation. He also explained that DPW does maintain the Town owned properties, but as more properties are acquired the need for maintenance also expands. He stated that at that point, a full Parks and Recreation Department would need to be developed. He said that right now DPW, Conservation and the Parks Department work well together to keep up with the maintenance.

The Goals and Objectives are as follows:

1. Improve Active Recreation Opportunities in Seekonk
 - a. Expanding active recreation sites for active sports which accounts for acquiring new properties and utilizing the ones we have (i.e., ballfields)
2. Improve Passive Recreation Opportunities in Seekonk
 - a. Sites where there cannot be open space (i.e., trails)
3. Enhance Connectivity between Various Open Space and Active Recreation Facilities
 - a. Properties that connect green corridors by acquiring additional land (i.e., bikeways)
4. Preserve Wildlife Habitat
 - a. Geared toward providing a wildlife habitat as more developments are established
 - b. These goals and objectives fulfill requirements to obtain grants
5. Preserve Seekonk's Rural Character
 - a. Provide additional open space
 - b. Providing for habitat for wildlife protection
 - c. Linking up open spaces
6. Protect Waterways and Wetland Resource Areas in Seekonk
 - a. Goes to active recreation with regard to using waterways
 - b. Protecting the ground water (aquifer) to assure adequate water supply

7. Improve Climate Resiliency at Parks and Open Space
 - a. The Town was designated as part of the State Municipal Vulnerabilities Program which could allow for additional funding with regard to climate resiliency and emergency management functions
8. Increase Public Awareness of Open Space and Recreation Amenities
 - a. Working with Save the Bay to provide identification of some of the stormwater drains
9. Establish Effective Policies that Support Open Space Preservation and Recreation Activities
 - a. Working with the Community Preservation Committee and the Community Land Trust to make sure when a property is identified for sale, the Town can obtain it before a developer

The Board discussed various potential uses for the field on Howland Street that is owned by the Town.

J. Aubin stated that the Plan is a living document. He noted that the full draft plan is on the Master Plan portion of the Planning Board Website. As far as the Board's action, a vote does not need to be taken. If the Board has additional comments, they are able to reach out to J. Aubin.

Ch. Sullivan asked how to implement the goals. J. Aubin replied that each of the goals has associated specific action items with identified town bodies responsible for them with a timeframe established during the 7-years. The Planning Board will be responsible, as part of the Master Plan, to ensure the goals are being met.

Ch. Sullivan inquired if the Attleboro Dye Works project would come in front of the Planning Board. J. Aubin replied that there are aspects that will come in front of the Planning Board. They are still waiting for remediation to begin. The next step is a funding request through Mass Development and a couple of other funding sources to do a reuse analysis. Then what will be adopted is a request for proposals for use of the property which will be a broad spectrum. This will spell out what the role of the Planning Board will be. Once remediation is complete and any onsite contamination is removed, there will be approximately 2 ½ acres for redevelopment. The rest of the property will be for open space, waterfront access, Riverwalk, etc. This site does tie-in to the Open Space Recreation Plan as it will provide access to the river.

Ch. Sullivan asked the Board if there were any other questions or concerns. There were none.

Adjournment:

S. Foulkes made a motion to adjourn, seconded by P. Aguiar.

VOTE: 5-0-0

The meeting was adjourned at 8:06 p.m.

Respectfully Submitted by,
Lori Trenteseaux, Secretary
Planning Board

Formally accepted on __/__/2021
__ in favor, __ against, __ abstention

Full Video available to view on TV9 Seekonk Community Access Television
Link: <http://tv9seekonk.com/>